

VERBATIM ¹RECORD OF TRIAL ²

(and accompanying papers)

of

MANNING, Bradley E.

(Name: Last, First, Middle Initial)

[REDACTED]

(Social Security Number)

PFC/E-3

(Rank)

Headquarters and

Headquarters Company,

United States Army Garrison

(Unit/Command Name)

U.S. Army

(Branch of Service)

Fort Myer, VA 22211

(Station or Ship)

By

GENERALCOURT-MARTIAL

Convened by

Commander

(Title of Convening Authority)

UNITED STATES ARMY MILITARY DISTRICT OF WASHINGTON

(Unit/Command of Convening Authority)

Tried at

Fort Meade, MD

(Place or Places of Trial)

on

see below

(Date or Dates of Trial)

Date or Dates of Trial:

23 February 2012, 15-16 March 2012, 24-26 April 2012, 6-8 June 2012, 25 June 2012, 16-19 July 2012, 28-30 August 2012, 2 October 2012, 12 October 2012, 17-18 October 2012, 7-8 November 2012, 27 November - 2 December 2012, 5-7 December 2012, 10-11 December 2012, 8-9 January 2013, 16 January 2013, 26 February - 1 March 2013, 8 March 2013, 10 April 2013, 7-8 May 2013, 21 May 2013, 3-5 June 2013, 10-12 June 2013, 17-18 June 2013, 25-28 June 2013, 1-2 July 2013, 8-10 July 2013, 15 July 2013, 18-19 July 2013, 25-26 July 2013, 28 July - 2 August 2013, 5-9 August 2013, 12-14 August 2013, 16 August 2013, and 19-21 August 2013.

¹ Insert "verbatim" or "summarized" as appropriate. (This form will be used by the Army and Navy for verbatim records of trial only.)

² See inside back cover for instructions as to preparation and arrangement.

MDW (US); Overgaard, Angel M CPT USARMY (US)
Cc: David E. Coombs; Hurley, Thomas F MAJ USARMY (US)
Subject: SA Robertson (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Joe

Do you guys plan to elicit any classified info from Robertson? I don't see him in the Grunden filing.

Thanks,

Josh

Joshua J. Tooman
CPT, JA
Trial Defense Counsel
9990 Belvoir Drive
Fort Belvoir, VA 22060
Tel: (703) 805-4383
Fax: (703) 805-4413
joshua.tooman@us.army.mil

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Classification: UNCLASSIFIED

Caveats: NONE

Classification: UNCLASSIFIED

Caveats: NONE

Classification: UNCLASSIFIED

Caveats: NONE

From: Tooman, Joshua J CPT USARMY (US)
To: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Fein, Ashden MAJ USARMY MDW (US); Overgaard, Angel M CPT USARMY (US)
Cc: David E. Coombs; Hurley, Thomas F MAJ USARMY (US)
Subject: SA Robertson (UNCLASSIFIED)
Date: Wednesday, May 22, 2013 10:39:42 AM

Classification: UNCLASSIFIED

Caveats: NONE

Joc

Do you guys plan to elicit any classified info from Robertson? I don't see him in the Grunden filing.

Thanks,

Josh

Joshua J. Tooman
CPT, JA
Trial Defense Counsel
9990 Belvoir Drive
Fort Belvoir, VA 22060
Tel: (703) 805-4383
Fax: (703) 805-4413
joshua.tooman@us.army.mil

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Classification: UNCLASSIFIED

Caveats: NONE

From: Hurley, Thomas F MAJ USARMY (US)
To: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Cc: Tooman, Joshua J CPT USARMY (US); Fein, Ashden MAJ USARMY MDW (US)
Subject: RE: IRTF and NCIX assessments (UNCLASSIFIED)
Date: Monday, May 20, 2013 11:55:06 AM

CPT M-

Nope. I got it. WILCO. Sorry for the slow response. One day, my email will work fine.

v/r
tjh

From: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Sent: Monday, May 20, 2013 1:35 PM
To: Hurley, Thomas F MAJ USARMY (US)
Cc: Tooman, Joshua J CPT USARMY (US); Fein, Ashden MAJ USARMY MDW (US)
Subject: FW: IRTF and NCIX assessments (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

MAJ Hurley,

Any questions on this?

CPT Joe Morrow
Trial Counsel
U.S. Army Military District of Washington
Phone: 202-685-1975
NIPR: jodean.morrow.mil@mail.mil
SIPR: jodean.morrow@ajfhqncr.northcom.smil.mil

-----Original Message-----

From: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Sent: Friday, May 17, 2013 10:36 AM
To: Hurley, Thomas F MAJ USARMY (US)
Cc: Tooman, Joshua J CPT USARMY (US); Fein, Ashden MAJ USARMY MDW (US)
Subject: RE: IRTF and NCIX assessments (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

MAJ Hurley,

I would like it to be clear that you have reviewed the summaries and that the defense agrees that the summary accurately reflects the content of the original documents. I would also like it to be clear that IF the assessments are offered into evidence, the parties have agreed that the summaries will be used in place of the original documents.

CPT Joe Morrow
Trial Counsel

U.S. Army Military District of Washington
Phone: 202-685-1975
NIPR: jodean.morrow.mil@mail.mil
SIPR: jodean.morrow@jhqncr.northcom.smil.mil

-----Original Message-----

From: Hurley, Thomas F MAJ USARMY (US)
Sent: Friday, May 17, 2013 8:45 AM
To: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Cc: Tooman, Joshua J CPT USARMY (US); Fein, Ashden MAJ USARMY MDW (US)
Subject: RE: IRTF and NCIX assessments (UNCLASSIFIED)

CPT Morrow

No problem. I would be comfortable telling the Court that, if either of these assessments are to be used at all, the summary, and not the actual assessment, will be used in its place. Is that what you want?

MAJ Hurley

From: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Sent: Thursday, May 16, 2013 5:45 PM
To: Hurley, Thomas F MAJ USARMY (US)
Cc: Tooman, Joshua J CPT USARMY (US); Fein, Ashden MAJ USARMY MDW (US)
Subject: IRTF and NCIX assessments (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

MAJ Hurley,

The summaries are finished. The final two defense modifications to the IRTF summary were approved without change (addition of one sentence and deletion of another). All of the modifications to the NCIX assessment were approved without change except for one minor portion. If you'll recall, there was one area where you had concerns with the language "in some cases." During our meeting, we (the collective we) decided on "in 5-10 cases." Unfortunately, the equity holder didn't like that language. The final proposed language is "in a few, limited cases, even the threat." I hope this is satisfactory.

Assuming you have no issues with the above, we propose to place this agreement on the record at the next session. We will notify the Court that the Government has completed a summary of the two assessments to be used in

lieu of the full assessments, if offered into evidence at trial. At this point, we'd ask that you place the defense's position on the summaries on the record (presumably no objection to the proffered summaries) so that we can move on. Any issues? Per our discussion before, our position is that these summaries are not shown to Manning until a sentencing case, if any, and only if offered into evidence. Additionally, NCIX will review the summary and re-mark it for use at trial.

CPT Joe Morrow

Trial Counsel

U.S. Army Military District of Washington

Phone: 202-685-1975

NIPR: jodean.morrow.mil@mail.mil

SIPR: jodean.morrow@jfhqncr.northcom.smil.mil

Classification: UNCLASSIFIED

Caveats: NONE

Classification: UNCLASSIFIED

Caveats: NONE

Classification: UNCLASSIFIED

Caveats: NONE

From: Fein, Ashden MAJ USARMY MDW (US)
To: "David E. Coombs"; david.a.mayfield4.civ@mail.mil
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Bcc: Mayfield, David A SES (US); Clark, Derek D SGT USARMY USAMDW (US); Jorns, Claire V SGT USARMY (US); McLamb, Amber M SGT USARMY MDW (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Carskadon, Amy F CIV (US)
Subject: RE: Requirements for Interim SECRET Clearance
Date: Monday, May 20, 2013 11:53:00 AM
Importance: High

David,

The Point of Contact is Ms. Andrea Upperman, GG-15, Chief, Army Personnel Security Branch, Deputy Chief of Staff for Intelligence. She may be reached at (703) 695-3053.

v/r
Ashden

-----Original Message-----

From: David E. Coombs [mailto:coombs@armycourt martialdefense.com]
Sent: Wednesday, May 15, 2013 7:40 PM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: RE: Requirements for Interim SECRET Clearance

Ashden,

I would like to speak with the government official. Could you please provide me with this individual's name, duty position, and contact number?
Thank you.

Best,
David

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US) [mailto:ashden.fein.mil@mail.mil]
Sent: Wednesday, May 15, 2013 4:22 PM
To: David E. Coombs
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: Requirements for Interim SECRET Clearance

David,

I just received the below response with the attachment to the question of whether Ms. Stokes memo applies to civilians outside of DOD. I have provided the information verbatim. After reviewing this detailed description, If you still would like to discuss this matter with a

government official, please let us know.

Please see attached document and link provided below regarding the document requirements to support the granting of an interim/temporary SECRET security clearance eligibility.

1. E.O. 12958 and E.O. 13526, Section 4.1(a) state that a person may have access to classified information provided that: (1) a favorable determination of eligibility for access has been made by an agency head or the agency head's designee (in DoD that is now the DoD Consolidated Central Adjudication Facility); (2) the person has signed an approved nondisclosure agreement; and (3) the person has a need to know the information. (Notice the term "person" is used here not "employee" and "person" is not specifically defined in the E.O.).

2. E.O. 12968, Section 3.3(a) states: "In exceptional circumstances where official functions must be performed prior to the completion of the investigative and adjudication process, temporary (i.e. "interim") eligibility for access to classified information may be granted to an employee while the initial investigation is underway. When such eligibility is granted, the initial investigation shall be expedited...Temporary eligibility for access may be granted only by security personnel authorized by the agency head to make access eligibility determinations and shall be based on the minimum investigative standards developed by the Security Policy Board not later than 180 days after the effective date of this order."

3. The attached 1997 document was published to meet the E.O. 12968 requirement to publish minimum investigative standards and specifically provides the standards for granting temporary access. You will note, that the standards are established for all U.S. Government and military personnel, consultants, contractors...and other individuals who require access to classified information before the appropriate investigation can be completed and a final determination made. Further, the investigative standards for temporary eligibility for access state that, As a minimum, temporary eligibility for access to SECRET levels requires completion of the Standard Form 86...(Note that these standards refer to "other individuals" not DoD employees as persons who require temporary access. Other individuals would include defense witnesses needed to support the defense of a soldier facing a court martial involving national security information.)

4. DoD published the 1997 temporary access standards at 32 C.F.R. Section 147.28. They can be found at this link.
<http://www.gpo.gov/fdsys/granule/CFR-2002-title32-vol1/CFR-2002-title32-vol1-sec147-28/content-detail.html> (If the link fails, a simple google search for 32 CFR 147.28 will retrieve the GPO website.)

5. While E.O 12968 refers to the access eligibility standards in regard to "employees" the definition of employees must be read broadly to include persons who will provide a function that fulfills a national security need of the U.S. Government. This is clearly the interpretation within DoD to support granting access to individuals outside the executive branch. Specifically, DoDM 5200.01-V3, Enclosure 2, section 6g states: "When necessary in the interests of national security, the heads of the DoD Components or their senior agency official may authorize access to classified information by persons outside the Federal government...Prior to authorizing access, such official must determine that the recipient is

reliable, loyal, and trustworthy for the purpose of accomplishing a national security objective." This is the provision that supports granting any security clearance eligibility and access to classified information to defense witnesses in the Manning C/M. Coupled with the 1997 and 2002 policies mentioned above, such access is conditioned on completion and submission of an SF86.

v/r
Ashden

From: Fein, Ashden MAJ USARMY MDW (US)
To: Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US)
Cc: Hurley, Thomas F MAJ USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US)
Subject: RE: Uniforms (UNCLASSIFIED)
Date: Monday, May 20, 2013 10:44:00 AM

JP-

Could you please assist the defense. Include providing them an update on BM's uniforms as well.

Thanks!

-----Original Message-----

From: Tooman, Joshua J CPT USARMY (US)
Sent: Monday, May 20, 2013 9:49 AM
To: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US)
Cc: Hurley, Thomas F MAJ USARMY (US)
Subject: Uniforms (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Sir

Do you know the status of the FRAGO authorizing us another set of ACUs?

Thanks,

Joshua J. Tooman
CPT, JA
Trial Defense Counsel
9990 Belvoir Drive
Fort Belvoir, VA 22060
Tel: (703) 805-4383
Fax: (703) 805-4413
joshua.tooman@us.army.mil

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Classification: UNCLASSIFIED

Caveats: NONE

From: Tooman, Joshua J CPT USARMY (US)
To: Fein, Ashdon MAJ USARMY MDW (US); Morrow, JoDean (Joo) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US)
Cc: Hurley, Thomas F MAJ USARMY (US)
Subject: Uniforms (UNCLASSIFIED)
Date: Monday, May 20, 2013 9:49:06 AM

Classification: UNCLASSIFIED

Caveats: NONE

Sir

Do you know the status of the FRAGO authorizing us another set of ACUs?

Thanks,

Joshua J. Tooman
CPT, JA
Trial Defense Counsel
9990 Belvoir Drive
Fort Belvoir, VA 22060
Tel: (703) 805-4383
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joshua.tooman@us.army.mil

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Classification: UNCLASSIFIED

Caveats: NONE

From: Tooman, Joshua J CPT USARMY (US)
To: Overgaard, Angel M CPT USARMY (US); Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Cc: David E. Coombs; Hurley, Thomas F MAJ USARMY (US)
Subject: Benthal (UNCLASSIFIED)
Date: Friday, May 17, 2013 10:07:23 AM

Classification: UNCLASSIFIED

Caveats: NONE

Angel

Any word on contact info for Benthal?

Thanks,

Josh

Joshua J. Tooman
CPT, JA
Trial Defense Counsel
9990 Belvoir Drive
Fort Belvoir, VA 22060
Tel: (703) 805-4383
Fax: (703) 805-4413
joshua.tooman@us.army.mil

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Classification: UNCLASSIFIED

Caveats: NONE

From: Hurley, Thomas F MAJ USARMY (US)
To: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Cc: Tooman, Joshua J CPT USARMY (US); Fein, Ashden MAJ USARMY MDW (US)
Subject: RE: IRTF and NCIX assessments (UNCLASSIFIED)
Date: Friday, May 17, 2013 8:44:41 AM

CPT Morrow

No problem. I would be comfortable telling the Court that, if either of these assessments are to be used at all, the summary, and not the actual assessment, will be used in its place. Is that what you want?

MAJ Hurley

From: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Sent: Thursday, May 16, 2013 5:45 PM
To: Hurley, Thomas F MAJ USARMY (US)
Cc: Tooman, Joshua J CPT USARMY (US); Fein, Ashden MAJ USARMY MDW (US)
Subject: IRTF and NCIX assessments (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

MAJ Hurley,

The summaries are finished. The final two defense modifications to the IRTF summary were approved without change (addition of one sentence and deletion of another). All of the modifications to the NCIX assessment were approved without change except for one minor portion. If you'll recall, there was one area where you had concerns with the language "in some cases." During our meeting, we (the collective we) decided on "in 5-10 cases." Unfortunately, the equity holder didn't like that language. The final proposed language is "in a few, limited cases, even the threat...." I hope this is satisfactory.

Assuming you have no issues with the above, we propose to place this agreement on the record at the next session. We will notify the Court that the Government has completed a summary of the two assessments to be used in lieu of the full assessments, if offered into evidence at trial. At this point, we'd ask that you place the defense's position on the summaries on the record (presumably no objection to the proffered summaries) so that we can move on. Any issues? Per our discussion before, our position is that these summaries are not shown to Manning until a sentencing case, if any, and only if offered into evidence. Additionally, NCIX will review the summary and re-mark it for use at trial.

CPT Joe Morrow

Trial Counsel

U.S. Army Military District of Washington

Phone: 202-685-1975

NIPR: jodean.morrow.mil@mail.mil

SIPR: jodean.morrow@jfhqncr.northcom.smil.mil

Classification: UNCLASSIFIED

Caveats: NONE

From: Fein, Ashden MAJ USARMY MDW (US)
To: Tooman, Joshua J CPT USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US)
Cc: "David Coombs"; Hurley, Thomas F MAJ USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US)
Bcc: Clark, Derek D SGT USARMY USAMDW (US); Ford, Arthur D Jr CW2 USARMY (US); Jorns, Claire V SGT USARMY (US); McLamb, Amber M SGT USARMY MDW (US); Carskadon, Amy F CIV (US); Mitroka, Katherine F CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Whyte, J Hunter CPT USARMY (US)
Subject: RE: Misc. Issues
Date: Thursday, May 16, 2013 11:12:00 AM

Josh,

Thank you. I do not have a cite because we rely on the experts to provide us guidance as that is their responsibility to provide the guidance for us to execute. We will provide the contact for the Fort Meade Garrison office.

MAJ Fein

-----Original Message-----

From: Tooman, Joshua J CPT USARMY (US)
Sent: Thursday, May 16, 2013 11:10 AM
To: Fein, Ashden MAJ USARMY MDW (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US)
Cc: "David Coombs"; Hurley, Thomas F MAJ USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US)
Subject: RE: Misc. Issues

Sir

1. Roger.
2. Can you please provide a cite for the requirement to pull toners, drums, etc... Also, please provide the contact info for the Meade Garrison security office.
3. Roger.
4. Negative.

Thanks,
Josh

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Thursday, May 16, 2013 10:54 AM
To: Tooman, Joshua J CPT USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US)
Cc: "David Coombs"; Hurley, Thomas F MAJ USARMY (US); Bennett, Jessica D SSG USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US)
Subject: RE: Misc. Issues

Josh,

1. Laptops. Yes. Please have SSG Bennett coordinate directly with CW2 Parra to figure out what needs to occur with the laptops. I do not think he has the passwords because they were set by MAJ Kemkes and CW2 Santiago, but I do not know the details.
2. Printer. Please coordinate with your security experts on the proper storage. If they need additional IA or Physical Security assistance, JP can link them up with the Fort Meade Garrison security office to get local guidance. Bottom line: it depends on the type of printer on what has to be pulled and locked up, i.e. toner, imaging

drum, or the whole printer. Hopefully that type of printer can have parts pulled each night and stored in your safe vice the entire device. If not, then we can look at getting you a smaller printer for classified material in the trailer. We have a small printer that prints black and white that fits in a safe drawer .

3. Forensic Experts. We will likely call forensic experts throughout the trial. We will have better clarity next week, but for warning purposes and based on our plan today- he should prepare to be present much of the trial if you intend to have him there during forensic based testimony.

4. Clearance. Has SSG Bennett received her email from PSI-CoE to start her SF86?

MAJ Fein

-----Original Message-----

From: Tooman, Joshua J CPT USARMY (US)

Sent: Thursday, May 16, 2013 9:25 AM

To: Fein, Ashden MAJ USARMY MDW (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US)

Cc: 'David Coombs'; Hurley, Thomas F MAJ USARMY (US); Bennett, Jessica D SSG USARMY (US)

Subject: Misc. Issues

Sir

A few questions/issues for you:

1. We have been locked out of two of our SECRET laptops. I understand JP is able to access these machines and/or reset the passwords. Can SSG Bennett link up with him tomorrow to fix this issue?

2. How do you all store your SECRET printer(s) at Fort Meade? I would like SSG Bennett to have the ability to store and use our printer at her office. I suspect you will want a formal memo requesting this support. Please let me know what type of safe or other arrangement you all have so I can request the same.

3. Do you all have a sense of when you will be calling your forensic experts? I know you all are working on your waves of witnesses, but if you could let me know when you have an idea on them it would be helpful. Obviously, we are going to have our forensic expert (Trent) present during any forensic testimony. Rather than having him sit there for the whole trial it would be good for both budgets and him personally if we had an idea when his presence is going to be needed. I know you all mentioned you will likely call computer folks throughout, so if he needs to be there the whole time so be it. I'd just like to give him a heads up on what to expect.

Thanks.

V/R

Josh

From: Tooman, Joshua J CPT USARMY (US)
To: Fein, Ashden MAJ USARMY MDW (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US)
Cc: 'David Coombs'; Hurley, Thomas F MAJ USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US)
Subject: RE: Misc. Issues
Date: Thursday, May 16, 2013 11:09:57 AM

Sir

1. Roger.
2. Can you please provide a cite for the requirement to pull toners, drums, etc... Also, please provide the contact info for the Meade Garrison security office.
3. Roger.
4. Negative.

Thanks,
Josh

Sent: Fein, Ashden MAJ USARMY MDW (US)
Sent: Thursday, May 16, 2013 10:54 AM
To: Tooman, Joshua J CPT USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US)
Cc: 'David Coombs'; Hurley, Thomas F MAJ USARMY (US); Bennett, Jessica D SSG USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US)
Subject: RE: Misc. Issues

Josh,

1. Laptops. Yes. Please have SSG Bennett coordinate directly with CW2 Parra to figure out what needs to occur with the laptops. I do not think he has the passwords because they were set by MAJ Kemkes and CW2 Santiago, but I do not know the details.
2. Printer. Please coordinate with your security experts on the proper storage. If they need additional IA or Physical Security assistance, JP can link them up with the Fort Meade Garrison security office to get local guidance. Bottom line: it depends on the type of printer on what has to be pulled and locked up, i.e. toner, imaging drum, or the whole printer. Hopefully that type of printer can have parts pulled each night and stored in your safe vice the entire device. If not, then we can look at getting you a smaller printer for classified material in the trailer. We have a small printer that prints black and white that fits in a safe drawer.
3. Forensic Experts. We will likely call forensic experts throughout the trial. We will have better clarity next week, but for warning purposes and based on our plan today- he should prepare to be present much of the trial if you intend to have him there during forensic based testimony.
4. Clearance. Has SSG Bennett received her email from PSI-CoE to start her SF86?

MAJ Fein

-----Original Message-----

From: Tooman, Joshua J CPT USARMY (US)
Sent: Thursday, May 16, 2013 9:25 AM
To: Fein, Ashden MAJ USARMY MDW (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US)

Cc: 'David Coombs'; Hurley, Thomas F MAJ USARMY (US); Bennett, Jessica D SSG USARMY (US)
Subject: Misc. Issues

Sir

A few questions/issues for you:

1. We have been locked out of two of our SECRET laptops. I understand JP is able to access these machines and/or reset the passwords. Can SSG Bennett link up with him tomorrow to fix this issue?
2. How do you all store your SECRET printer(s) at Fort Meade? I would like SSG Bennett to have the ability to store and use our printer at her office. I suspect you will want a formal memo requesting this support. Please let me know what type of safe or other arrangement you all have so I can request the same.
3. Do you all have a sense of when you will be calling your forensic experts? I know you all are working on your waves of witnesses, but if you could let me know when you have an idea on them it would be helpful. Obviously, we are going to have our forensic expert (Trent) present during any forensic testimony. Rather than having him sit there for the whole trial it would be good for both budgets and him personally if we had an idea when his presence is going to be needed. I know you all mentioned you will likely call computer folks throughout, so if he needs to be there the whole time so be it. I'd just like to give him a heads up on what to expect.

Thanks.

V/R

Josh

From: Fein, Ashden MAJ USARMY MDW (US)
To: Tooman, Joshua J CPT USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US)
Cc: "David Coombs"; Hurley, Thomas F MAJ USARMY (US); Bennett, Jessica D SSG USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Morrow, JoDean (Joe) 111 CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US)
Bcc: Clark, Derek D SGT USARMY USAMDW (US); Ford, Arthur D Jr CW2 USARMY (US); Jorns, Claire V SGT USARMY (US); McLamb, Amber M SGT USARMY MDW (US); Carskadon, Amy F CIV (US); Mitroka, Katherine F CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Whyte, J Hunter CPT USARMY (US)
Subject: RE: Misc. Issues
Date: Thursday, May 16, 2013 10:54:00 AM

Josh,

1. Laptops. Yes. Please have SSG Bennett coordinate directly with CW2 Parra to figure out what needs to occur with the laptops. I do not think he has the passwords because they were set by MAJ Kemkes and CW2 Santiago, but I do not know the details.
2. Printer. Please coordinate with your security experts on the proper storage. If they need additional IA or Physical Security assistance, JP can link them up with the Fort Meade Garrison security office to get local guidance. Bottom line: it depends on the type of printer on what has to be pulled and locked up, i.e. toner, imaging drum, or the whole printer. Hopefully that type of printer can have parts pulled each night and stored in your safe vice the entire device. If not, then we can look at getting you a smaller printer for classified material in the trailer. We have a small printer that prints black and white that fits in a safe drawer.
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4. Clearance. Has SSG Bennett received her email from PSI-CoE to start her SF86?

MAJ Fein

-----Original Message-----

From: Tooman, Joshua J CPT USARMY (US)
Sent: Thursday, May 16, 2013 9:25 AM
To: Fein, Ashden MAJ USARMY MDW (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US)
Cc: 'David Coombs'; Hurley, Thomas F MAJ USARMY (US); Bennett, Jessica D SSG USARMY (US)
Subject: Misc. Issues

Sir

A few questions/issues for you:

1. We have been locked out of two of our SECRET laptops. I understand JP is able to access these machines and/or reset the passwords. Can SSG Bennett link up with him tomorrow to fix this issue?
2. How do you all store your SECRET printer(s) at Fort Meade? I would like SSG Bennett to have the ability to store and use our printer at her office. I suspect you will want a formal memo requesting this support. Please let

me know what type of safe or other arrangement you all have so I can request the same.

3. Do you all have a sense of when you will be calling your forensic experts? I know you all are working on your waves of witnesses, but if you could let me know when you have an idea on them it would be helpful. Obviously, we are going to have our forensic expert (Trent) present during any forensic testimony. Rather than having him sit there for the whole trial it would be good for both budgets and him personally if we had an idea when his presence is going to be needed. I know you all mentioned you will likely call computer folks throughout, so if he needs to be there the whole time so be it. I'd just like to give him a heads up on what to expect.

Thanks.

V/R

Josh

From: Tooman, Joshua J CPT USARMY (US)
To: Fein, Ashden MAJ USARMY MDW (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US)
Cc: "David Coombs"; Hurley, Thomas F MAJ USARMY (US); Bennett, Jessica D SSG USARMY (US)
Subject: Misc. Issues
Date: Thursday, May 16, 2013 9:24:42 AM

Sir

A few questions/issues for you:

1. We have been locked out of two of our SECRET laptops. I understand JP is able to access these machines and/or reset the passwords. Can SSG Bennett link up with him tomorrow to fix this issue?
2. How do you all store your SECRET printer(s) at Fort Meade? I would like SSG Bennett to have the ability to store and use our printer at her office. I suspect you will want a formal memo requesting this support. Please let me know what type of safe or other arrangement you all have so I can request the same.
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Thanks.

V/R

Josh

From: David E. Coombs
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: RE: Requirements for Interim SECRET Clearance
Date: Wednesday, May 15, 2013 7:40:33 PM

Ashden,

I would like to speak with the government official. Could you please provide me with this individual's name, duty position, and contact number? Thank you.

Best,
David

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US) [mailto:ashden.fein.mil@mail.mil]
Sent: Wednesday, May 15, 2013 4:22 PM
To: David E. Coombs
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: Requirements for Interim SECRET Clearance

David,

I just received the below response with the attachment to the question of whether Ms. Stokes memo applies to civilians outside of DOD. I have provided the information verbatim. After reviewing this detailed description, if you still would like to discuss this matter with a government official, please let us know.

Please see attached document and link provided below regarding the document requirements to support the granting of an interim/temporary SECRET security clearance eligibility.

1. E.O. 12958 and E.O. 13526, Section 4.1(a) state that a person may have access to classified information provided that: (1) a favorable determination of eligibility for access has been made by an agency head or the agency head's designee (in DoD that is now the DoD Consolidated Central Adjudication Facility); (2) the person has signed an approved nondisclosure agreement; and (3) the person has a need to know the information. (Notice the term "person" is used here not "employee" and "person" is not specifically defined in the E.O.).

2. E.O. 12968, Section 3.3(a) states: "In exceptional circumstances where official functions must be preformed prior to the completion of the investigative and adjudication process, temporary (i.e. "interim") eligibility for access to classified information may be granted to an employee while the initial investigation is underway. When such eligibility is granted, the initial investigation shall be expedited...Temporary

eligibility for access may be granted only by security personnel authorized by the agency head to make access eligibility determinations and shall be based on the minimum investigative standards developed by the Security Policy Board not later than 180 days after the effective date of this order."

3. The attached 1997 document was published to meet the E.O. 12968 requirement to publish minimum investigative standards and specifically provides the standards for granting temporary access. You will note, that the standards are established for all U.S. Government and military personnel, consultants, contractors...and other individuals who require access to classified information before the appropriate investigation can be completed and a final determination made. Further, the investigative standards for temporary eligibility for access state that, As a minimum, temporary eligibility for access to SECRET levels requires completion of the Standard Form 86...(Note that these standards refer to "other individuals" not DoD employees as persons who require temporary access. Other individuals would include defense witnesses needed to support the defense of a soldier facing a court martial involving national security information.)

4. DoD published the 1997 temporary access standards at 32 C.F.R. Section 147.28. They can be found at this link.
<http://www.gpo.gov/fdsys/granule/CFR-2002-title32-vol1/CFR-2002-title32-vol1-sec147-28/content-detail.html> (If the link fails, a simple google search for 32 CFR 147.28 will retrieve the GPO website.)

5. While E.O 12968 refers to the access eligibility standards in regard to "employees" the definition of employees must be read broadly to include persons who will provide a function that fulfills a national security need of the U.S. Government. This is clearly the interpretation within DoD to support granting access to individuals outside the executive branch. Specifically, DoDM 5200.01-V3, Enclosure 2, section 6g states: "When necessary in the interests of national security, the heads of the DoD Components or their senior agency official may authorize access to classified information by persons outside the Federal government...Prior to authorizing access, such official must determine that the recipient is reliable, loyal, and trustworthy for the purpose of accomplishing a national security objective." This is the provision that supports granting any security clearance eligibility and access to classified information to defense witnesses in the Manning C/M. Coupled with the 1997 and 2002 policies mentioned above, such access is conditioned on completion and submission of an SF86.

v/r
Ashden

From: Fein, Ashden MAJ USARMY MDW (US)
To: David E. Coombs
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Ehlen, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Bcc: Clark, Derek D SGT USARMY USAMDW (US); Jorns, Claire V SGT USARMY (US); McLamb, Amber M SGT USARMY MDW (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Carskadon, Amy E CIV (US)
Subject: Requirements for Interim SECRET Clearance
Date: Wednesday, May 15, 2013 4:21:00 PM
Attachments: 1997 Security Policy Board Temp Access Inv Stnds.pdf

David,

I just received the below response with the attachment to the question of whether Ms. Stokes memo applies to civilians outside of DOD. I have provided the information verbatim. After reviewing this detailed description, if you still would like to discuss this matter with a government official, please let us know.

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determine that the recipient is reliable, loyal, and trustworthy for the purpose of accomplishing a national security objective." This is the provision that supports granting any security clearance eligibility and access to classified information to defense witnesses in the Manning C/M. Coupled with the 1997 and 2002 policies mentioned above, such access is conditioned on completion and submission of an SF86.

v/r
Ashden

From: Fein, Ashden MAJ USARMY MDW (US)
To: Peter Galbraith
Cc: pgalbraith@leg.state.vt.us; Ford, Arthur D Jr CW2 USARMY (US); Rains, Larry E CIV USARMY HQDA DCS G-2 (US); Pittman, Jamil A CIV USARMY HQDA DCS G-2 (US); David E. Coombs; Morrow, JoDean (Joc) III CPT USARMY USAMDW (US)
Bcc: Clark, Derek D SGT USARMY USAMDW (US); Jorns, Claire V SGT USARMY (US); McLamb, Amber M SGT USARMY MDW (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Carskadon, Amy E CIV (US); Mitroka, Katherine F CPT USARMY (US); Overgaard, Angel M CPT USARMY (US); von Elton, Alexander S (Alec) CPT USARMY (US); Whyte, J Hunter CPT USARMY (US)
Subject: RE: Clearance Issues
Date: Wednesday, May 15, 2013 4:21:00 PM

Ambassador Galbraith,

Good afternoon. Yesterday afternoon we were notified that PSI-CoE reinitiated your online clearance application on May 7th for the fourth time and you have not accessed the website yet. Is there anything we can do to assist you with filling out your online SF-86? We are standing by to assist as outlined below. The trial is scheduled to begin on June 3rd and the Court has ordered us to give her an update on your clearance by May 21st.

Thank you.

Respectfully,

Major Fein

Ashden Fein
Major, U.S. Army

-----Original Message-----

From: Peter Galbraith [mailto:galbraithvt@gmail.com]
Sent: Wednesday, May 01, 2013 8:41 PM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: pgalbraith@leg.state.vt.us; Ford, Arthur D Jr CW2 USARMY (US); Rains, Larry E CIV USARMY HQDA DCS G-2 (US); Pittman, Jamil A CIV USARMY HQDA DCS G-2 (US); David E. Coombs; Morrow, JoDean (Joc) III CPT USARMY USAMDW (US)
Subject: Re: Clearance Issues

Thank you.

Sent from my iPhone

On May 1, 2013, at 8:29 PM, "Fein, Ashden MAJ USARMY MDW (US)" <ashden.fein.mil@mail.mil> wrote:

> Ambassador Galbraith,
>

> Good evening. Based on the issues you relayed in your last email and our discussions with Mr. Coombs, we contacted the OPM helpdesk to inquire about the standards on the SF86 for those applying for a security clearance. The representative stated that a security clearance applicant must voluntarily fill out the form to "the best of his ability" so that an investigation may be started and you be immediately processed for an interim clearance. If you traveled overseas, but can't remember when, you just need to write a note that explains that you can't remember. If you end up forgetting about a trip, then an investigator would simply ask you about it during your investigation, if there is an investigation. Foreign travel does not need to be listed if it was official government travel, unless you extended the trip for personal reasons. Also, if you took multiple short trips to the same country, you may list the dates of the first and last trip, and estimate them as necessary. Also, you may estimate other information, or list other information as unknown, such as past marriage details, relatives, previous addresses, and foreign contacts.

>

> Hopefully this clarification is helpful and makes this process easier for you. Also, based on the technical constraints using the OPM website and your demanding schedule, we can offer to make this easier for you with these options: (1) you may provide us a handwritten SF86 and we will input the information into the website for you, then all you will need to do is log on and certify and submit the form or (2) you may provide us a handwritten SF85P and we will take that information and input the information into the website in order to minimize the time it will take you to fill out the remaining portions of the digital SF86, and then we will fill the remaining portions out with you on the phone, followed by you logging on and certifying and submitting the form. We can also coordinate for you to get your fingerprints taken at the closest military installation or local police station.

>

> Attached to this email are a SF86 and SF85P so that you can decide the easiest method to apply for your security clearance. We are standing by to assist you.

>

> Thank you!

>

> Respectfully,

>

> Major Fein

>

>

> Ashden Fein

> Major, U.S. Army

>

> -----Original Message-----

> From: Fein, Ashden MAJ USARMY MDW (US)

> Sent: Thursday, April 18, 2013 2:49 PM

> To: Peter Galbraith

> Cc: pgalbraith@leg.state.vt.us; Ford, Arthur D Jr CW2 USARMY (US); Rains, Larry E CIV USARMY HQDA DCS G-2 (US); Pittman, Jamil A CIV USARMY HQDA DCS G-2 (US); David E. Coombs; Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)

> Subject: RE: Clearance Issues

>

> Ambassador Galbraith,

>

> Thank you for such a quick reply. The defense team in this criminal case requested that you have access to classified information in order to testify. Based on this request and only this request, the prosecution on behalf of the Department of the Army and Department of State is working to provide Private First Class Manning the approvals his defense asked for, but as outlined below, this requires you to fill out the appropriate paperwork and follow the other steps for a security clearance.

>

> We acknowledge and respect how busy you are and your previous positions within the United States Government; however under the current laws and regulations neither the defense, prosecution, or the Court is authorized to discuss classified information with you until the threshold requirements are met.

>

> At this point we recommend that you discuss the way forward with Mr. Coombs and the defense team. They requested you as a witness and specifically requested you be provided access to classified information and we are processing that request. If the defense still wants to share classified information with you or discuss classified information at trial, then we must receive your information.

>

> Thank you!

>

> Respectfully,

>

> Major Fein

>

>

> Ashden Fein

> Major, U.S. Army

>

> -----Original Message-----

> From: Peter Galbraith [mailto:galbraithvt@gmail.com]

> Sent: Wednesday, April 17, 2013 9:49 PM

> To: Fein, Ashden MAJ USARMY MDW (US)

> Cc: pgalbraith@leg.state.vt.us; Ford, Arthur D Jr CW2 USARMY (US); Rains, Larry E CIV USARMY HQDA DCS G-2 (US); Pittman, Jamil A CIV USARMY HQDA DCS G-2 (US); David E. Coombs; Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)

> Subject: Re: Clearance Issues

>

> Dear Major Fein,

>

> As I understand it, I am being asked to obtain a security clearance in order to testify about State Department cables that anyone can see on line. .

>

> My problem is that I have a busy life. I am a senator here in Vermont at what is now the busiest time in the legislative session. In addition, I continue to operate my international consulting activities. i was in Kurdistan (Iraq) a few weeks ago and am also deeply involved in a British-funded project aimed at strengthening the negotiating capacities of Syrian minorities.

>

> I wasted considerable time trying to log in to the website and was frustrated by the fact that DOD entered the wrong social security number for me. Once I finally entered the website, I spent several hours entering information and dealing with a site that was not cooperative. For example, it asked for a phone number for my work in Afghanistan but the site only accepts US configured numbers. I gave up when I realized I would have to answer questions about all my significant foreign contacts (there are scores) and about each foreign trip I made in the last seven years (at least seventy trips to sixty countries). Indeed, I doubt I could reconstruct my travel or come up with all the contacts. I don't know the addresses of my Canadian cousins the names of their spouses, or the whereabouts of all my nephews and nieces. And, for that matter I don't recall the date of my marriage to my second wife, the precise name of the town in Maine where we married or her birthdate (nor do I care to find out). All this information is available on my previous security forms. Of course, I didn't mind the paperwork to become an Ambassador but it is overkill in order to testify in a trial about cables that everyone can see on line.

>

> I held TS/ codeword clearances from 1979 to at least 2003. Among other positions of trust, I served as a US Ambassador. Since the only cables that I need to see are ones Private Manning leaked and therefore available on line, I think the risk to US national security of me not getting a clearance in advance of my testimony is exactly zero.

>

> I would like to help the court but we need to find a practical way for me to do so.

>

> All the best

>

> Peter Galbraith

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> On Wed, Apr 17, 2013 at 7:04 PM, Fein, Ashden MAJ USARMY MDW (US) <ashden.fein.mil@mail.mil> wrote:
>
>
> Ambassador Galbraith,
>
> Good evening. In addition to the previous emails between you and Mr. Rains and Chief Ford, Mr. Coombs approached us on April 10th to inform us that you were having difficulty with the security clearance process. Mr. Coombs asked if there was a way we could streamline the current process. According to Army Regulation 380-67, you must submit a Standard Form 86 (e-Qip) through the OPM website before you are granted access. The prosecution understands the form can be cumbersome, but there is no other solution available.
>
> If you have any problems with the e-Qip website, please call the helpdesk at 410-278-4194 or e-mail usarmy.apg.inscom.mbx.pspip-questions@mail.mil. The Department of the Army was able to have the website held open longer than the normal five day period so that you have more time to fill in the information, and this was based on your request to have your account reinstated.
>
> As outlined below, without this electronic submission, signed release and consent forms, and your fingerprints you cannot access the classified information the defense would like to provide, and will not be able to participate in this court-martial in the capacity the defense intends.
>
> If you have any questions or need assistance, please contact Chief Warrant Officer 2 Arthur Ford at 202-685-1975 or arthur.d.ford.mil@mail.mil.
>
> Thank you!
>
> Respectfully,
>
> Major Fein
>
>
> Ashden Fein
> Major, U.S. Army
>
>
> -----Original Message-----
> From: Peter Galbraith [mailto:pgalbraith@leg.state.vt.us]
> Sent: Tuesday, April 02, 2013 2:58 PM
> To: USARMY APG INSCOM Mailbox PSIP Center of Excellence
> Cc: galbraithvt@gmail.com; Fein, Ashden MAJ USARMY MDW (US); Pittman, Jamil
> A CIV USARMY HQDA DCS G-2 (US); Rains, Larry E CIV USARMY HQDA DCS G-2 (US)
> Subject: Re: POSSIBLE SPAM: Investigation Status Update - Processing, Ticket
> No. CLR000000495879
>
> Tried to log in but couldn't. It still says my social security number is
> already registered
>
> Sent from my iPad
>
> On Apr 2, 2013, at 9:19 AM, "PSIP Center of Excellence
> <usarmy.apg.inscom.mbx.pspip-center-of-excellence@mail.mil>"
> <usarmy.apg.inscom.mbx.pspip-center-of-excellence@mail.mil> wrote:
>

[illegible]

> Please submit the following required documentation to the PSI-CoE as
> soon as possible or contact us at 410-278-4194 or DSN 298-4194 or e-mail
> usarmy.apg.inscom.mbx.psisp-questions@mail.mil so we can assist you with this
> process.

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> to access the signature form via the e-QIP site. Please call our customer
> support center so that we may e-mail the form to you directly.

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FINGERPRINTS REQUIRED:

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> Fingerprint cards- Contact your security manager or hiring official
> for guidance. New fingerprints must be submitted if prints were captured
> over 120 days ago.

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> Documentation for this background investigation request, with the
> exception of your e-QIP questionnaire and fingerprints, may be faxed to
> 410-306-3858/410-306-0413 or DSN 458-3858/0413 or scanned and e-mailed to
> usarmy.apg.incom.mbx.psip-correspondence1@mail.mil

>

>

> If you no longer require a background investigation or you are
> unable to respond to the requests, please have your security manager or
> hiring official contact the PSI-CoE at 410-278-4194 or DSN 298-4194 or
> e-mail usarmy.apg.incom.mbx.psip-questions@mail.mil A PSI-CoE customer
> support center representative is available to assist you from 0600-2400
> (EST) Monday- Friday.

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> Please do not respond to this email, as responses are not monitored.

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> PSIP Record Number: CLR000000495879
> Email Code: PSIP-0003

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> <sf85p.pdf>

> <sf86.pdf>

From: David Coombs
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: RE: Update
Date: Wednesday, May 15, 2013 10:31:42 AM

Ashden,

The 702 qualifications should just be part of the stip of expected testimony. We would not object to having the area of expertise within the stip of expected testimony. If you need further clarification, call me on my cell.

David

----- Original message -----

From: "Fein, Ashden MAJ USARMY MDW (US)" <ashden.fein.mil@mail.mil>
Date: 05/15/2013 9:40 AM (GMT-05:00)
To: "David E. Coombs" <coombs@armycourt martialdefense.com>
Cc: "Hurley, Thomas F MAJ USARMY (US)" <thomas.f.hurley4.mil@mail.mil>,"Tooman, Joshua J CPT USARMY (US)" <joshua.j.tooman.mil@mail.mil>,"Bennett, Jessica D SSG USARMY (US)" <jessie.d.bennett.mil@mail.mil>,"Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)" <jodean.morrow.mil@mail.mil>,"Overgaard, Angel M CPT USARMY (US)" <angel.m.overgaard.mil@mail.mil>,"Whyte, J Hunter CPT USARMY (US)" <jeffrey.h.whyte.mil@mail.mil>,"von Elten, Alexander S (Alec) CPT USARMY (US)" <alexander.s.vonelten.mil@mail.mil>,"Mitroka, Katherine F CPT USARMY (US)" <katherine.f.mitroka2.mil@mail.mil>,"Ford, Arthur D Jr CW2 USARMY (US)" <arthur.d.ford.mil@mail.mil>
Subject: RE: Update

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v/r
Ashden

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Sent: Monday, May 13, 2013 4:29 PM

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Subject: RE: Update

Ashden,

1. Thank you.
2. Do you have a timeline for this?
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4. Thank you for the update.
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Stipulations

1. Thank you.
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6. Physical Evidence: Again, we would need you to match the physical evidence with a stipulation of expected testimony for the authentication witness.

Best,

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Sent: Monday, May 13, 2013 2:46 PM

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Subject: Update

David,

This email provides an update on issues and focuses on stipulations.

General.

1. SF86 POC. We are still working on the POC and I expect an answer today or tomorrow.

2. Immunity. We are still waiting on final approval by DOD OGC IAW AR 27-10 for all three.

3. ACIC Document. We are waiting on the equity holders to give final approval and remark the document for unclassified handling.

4. Lamo. Lamo is back on the net and we have notified him of his subpoena.

Stipulations. We have tried to figure out the quickest and most efficient way to move forward with stipulations that provides all parties with the most predictability prior to trial.

1. NCIX Assessment. Is completed and ready to be reviewed at ODNI, and we will schedule a time with MAJ Hurley.

2. IRTF Assessment. A final draft is ready for review at our office, and we will schedule a time with MAJ Hurley.

3. Lamo Chats. We are working with the equity holder to find a suitable alternative, including the possibility of using the Wired.com version with modifications. We expect resolution by the end of the week, assuming based on our previous conversation that the defense is willing to stipulate to its authenticity and the unclassified summary.

4. OCA Declarations. As we are finalizing the witness order, looking at potential stipulations, and preparing for tomorrow's filing for relevance, we realized that a simple solution may be to stipulate to the admissibility of the OCA declarations. Would the defense being willing to enter into a stipulation to the admissibility of the OCA declarations for the charged documents? If so, we will drop the OCAs from our witness list, and we will also refrain from eliciting opinion testimony from other witnesses regarding whether unauthorized disclosure of the charged documents reasonably could be expected to cause damage to the national security on the merits.

5. Charged Documents. Is the defense willing to stipulate to the admissibility of the charged documents, in their original and "W!k!e@ks" forms? If so, then we will drop the purely authentication witnesses for all the charged documents, and move to admit the charged documents from the providence inquiry as PEs for trial. Then we will have the "W!k!e@ks" versions done as well.

6. Physical Evidence. We previously provided a draft stipulation of admissibility for the physical evidence, which the defense ultimately rejected. Would the defense object to a stipulation of authenticity for the physical evidence and stipulate to the authenticity of forensic images for the digital media, while reserving the right to object on relevance to the actual evidence, specific files, or remnants? If so, then we will drop many purely authentication witnesses for all the evidence.

Thank you!

v/r

Ashden

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Bcc: Clark, Derek D SGT USARMY USAMDW (US); Jorns, Claire V SGT USARMY (US); McLamb, Amber M SGT USARMY MDW (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Carskadon, Amy F CIV (US)
Subject: RE: Update
Date: Wednesday, May 15, 2013 9:40:00 AM

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From: David E. Coombs
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: RE: Update
Date: Tuesday, May 14, 2013 6:51:57 PM

Ashden,

Not a problem. We will be standing by for any stipulations sent our way.

Best,
David

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US) [<mailto:ashden.fein.mil@mail.mil>]
Sent: Tuesday, May 14, 2013 6:32 PM
To: David E. Coombs
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Sent: Monday, May 13, 2013 2:46 PM

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Subject: RE: Update
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3. Stipulations: Unfortunately we are speaking at cross purposes on the stipulations. I understand that it may be easier and more efficient to simply stipulate to admissibility of evidence or to stipulate to authenticity of certain items. However, we will not agree to do this. I apologize if this causes confusion or frustration. We will, however, agree to enter into stipulation of expected testimony for the various authentication and chain of custody witnesses. In the end, the time spent to draft the stipulations of expected testimony is much less than the time needed to call the various witnesses at trial. Based upon the "test" batch, I would hope that you now understand that we are serious in our offer to stipulate.
 - a. Lamo: I am sorry for the confusion on this issue. I was asked if the defense would dispute the authenticity of the IM Logs. I told you and Joe that we would not dispute the authenticity of the logs. Although we will not dispute the authenticity of the logs, we will not enter into a

stipulation involving Adrian Lamo. As such, you can write one or several stipulations of expected testimony for Clapper, Edwards, and the other chain of custody witnesses. The one witness that you would need to bring to complete the authenticity of the logs will be Mr. Lamo. Does this make sense?

b. OCA: I believe you understand our position. If you would like to stipulate to the OCA witnesses' testimony for merits, just let us know.

c. Charged Documents: Again, we will stipulate to the expected testimony of the chain of custody and authentication witnesses for the charged documents. I don't think the stipulations have to be War and Peace novels. As you said before, someone can just take your intended direct and reduce that to a stipulation.

d. Physical Evidence. No, the defense will not stipulate to the authenticity of the items, but we will stipulate to expected testimony of the various witnesses. Again, the stipulations of expected testimony are much quicker than actually calling the witness to testify at trial.

If you have any questions based upon the above, let me know and we can set up a conference call.

Best,
David

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US) [<mailto:ashden.fein.mil@mail.mil>]

Sent: Tuesday, May 14, 2013 4:36 PM

To: David E. Coombs

Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)

Subject: RE: Update

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3a. Lamo Chats. When you discussed with Joe last week the idea of stipulating to the authenticity of the chat logs, our understanding was that you would agree to what was essentially one stipulation of fact (i.e. Lamo gave the HD to Clapper, who gave the HD to Edwards, who gave the hard drive to X), with the end result being that the parties would stipulate that the chat logs found on the HD were authentic in the same document. You said we could include the most important paragraphs from the stipulations of Clapper and Edwards that you already reviewed (detailed above) based on it being easier for the government. We are confused. You state below that the defense agrees to stipulate to the chat logs authenticity, but then we would need stipulations of expected testimony. Stipulations of expected testimony would require separate stipulations for Edwards, Clapper, Young, Mariena, and Lamo for the purpose of authentication. With such a stip of authenticity none of those witnesses are needed for stipulations or trial for purposes of authentication and a party is welcome to still call any of them for substantive testimony if desired, such as to establish relevance.

3b. OCA Declarations. We understand your position and will continue to evaluate this testimony.

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3d. Physical Evidence. Attached is a draft stipulation of authenticity for certain items of physical evidence and their associated forensic images. This would then alleviate the need for more than 30 stipulations of expected testimony solely focused on authentication of evidence, and drop most of them from the witness list. We believe this document is a simple solution that provides predictability and ultimately focuses the issues at trial for both sides. Please let us know if you would be amenable to entering into a stipulation along these lines.

v/r
Ashden

-----Original Message-----

From: David E. Coombs [mailto:coombs@armycourtmarshalldefense.com]

Sent: Monday, May 13, 2013 4:29 PM

To: Fein, Ashden MAJ USARMY MDW (US)

Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US);

Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY

USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY

(US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F

CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)

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Best,

David

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From: Fein, Ashden MAJ USARMY MDW (US) [<mailto:ashden.fein.mil@mail.mil>]

Sent: Monday, May 13, 2013 2:46 PM

To: 'David Coombs'

Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: Update

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This email provides an update on issues and focuses on stipulations.

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To: David E. Coombs
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joel) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Ehlen, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Bcc: Clark, Derek D SGT USARMY USAMDW (US); Jorns, Claire V SGT USARMY (US); McLamb, Amber M SGT USARMY MDW (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Carskadon, Amy E CIV (US)
Subject: RE: Update
Date: Tuesday, May 14, 2013 4:22:00 PM
Attachments: 1305XX-Stipulation to Authenticity v3.pdf

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Sent: Monday, May 13, 2013 4:29 PM

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Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)

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Sent: Monday, May 13, 2013 2:46 PM

To: 'David Coombs'

Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessice D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)

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Subject: RE: Update
Date: Monday, May 13, 2013 4:28:58 PM

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Sent: Monday, May 13, 2013 2:46 PM

To: 'David Coombs'

Cc: Hurlley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)

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Bcc: Clark, Dorek D SGT USARMY USAMDW (US); Jorns, Claire V SGT USARMY (US); McLamb, Amber M SGT USARMY MDW (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Garskaddon, Amy E CIV (US)
Subject: Update
Date: Monday, May 13, 2013 2:45:00 PM

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From: Bennett, Jessie D SSG USARMY (US)
To: Fein, Ashden MAJ USARMY MDW (US); Tooman, Joshua J CPT USARMY (US)
Cc: "David Coombs"; thomashurley1@me.com; Hurley, Thomas F MAJ USARMY (US)
Subject: RE: Update
Date: Monday, May 13, 2013 9:22:55 AM

MAJ Fein,

No, I haven't received the OPM email to fill out the SF86 yet. Sorry for the inconvenience. Thanks.

V/R
SSG Bennett

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Friday, May 10, 2013 6:25 PM
To: Tooman, Joshua J CPT USARMY (US)
Cc: 'David Coombs'; thomashurley1@me.com; Hurley, Thomas F MAJ USARMY (US); Bennett, Jessie D SSG USARMY (US)
Subject: RE: Update

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Thanks!

MAJ Fein

-----Original Message-----

From: Tooman, Joshua J CPT USARMY (US)
Sent: Friday, May 10, 2013 10:06 AM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: 'David Coombs'; thomashurley1@me.com; Hurley, Thomas F MAJ USARMY (US); Bennett, Jessie D SSG USARMY (US)
Subject: Update

Sir

Could you please provide a status update for SSG Bennett's TS request?

V/R

Josh

From: Fein, Ashden MAJ USARMY MDW (US)
To: Bennett, Jessica D SSG USARMY (US); Tooman, Joshua J CPT USARMY (US)
Cc: 'David Coombs'; Hurley, Thomas F MAJ USARMY (US)
Subject: RE: Update
Date: Monday, May 13, 2013 9:15:00 AM

Thank you. I will figure out why you have not.

-----Original Message-----

From: Bennett, Jessica D SSG USARMY (US)
Sent: Monday, May 13, 2013 9:23 AM
To: Fein, Ashden MAJ USARMY MDW (US); Tooman, Joshua J CPT USARMY (US)
Cc: 'David Coombs'; thomashurley1@mc.com; Hurley, Thomas F MAJ USARMY (US)
Subject: RE: Update

MAJ Fein,

No, I haven't received the OPM email to fill out the SF86 yet. Sorry for the inconvenience. Thanks.

V/R
SSG Bennett

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Friday, May 10, 2013 6:25 PM
To: Tooman, Joshua J CPT USARMY (US)
Cc: 'David Coombs'; thomashurley1@mc.com; Hurley, Thomas F MAJ USARMY (US); Bennett, Jessica D SSG USARMY (US)
Subject: RE: Update

SSG Bennett,

Have you not received the OPM email to fill out your SF86 yet?

Thanks!

MAJ Fein

-----Original Message-----

From: Tooman, Joshua J CPT USARMY (US)
Sent: Friday, May 10, 2013 10:06 AM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: 'David Coombs'; thomashurley1@mc.com; Hurley, Thomas F MAJ USARMY (US); Bennett, Jessica D SSG USARMY (US)
Subject: Update

Sir

Could you please provide a status update for SSG Bennett's TS request?

V/R

Josh

From: Fein, Ashden MAJ USARMY MDW (US)
To: Tooman, Joshua J CPT USARMY (US)
Cc: "David Coombs"; thomashurley1@me.com; Hurley, Thomas F MAJ USARMY (US); Bennett, Jessica D SSG USARMY (US)
Bcc: Clark, Derek D SGT USARMY USAMDW (US); Ford, Arthur D Jr CW2 USARMY (US); Jorns, Claire V SGT USARMY (US); McLamb, Amber M SGT USARMY MDW (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Carskadon, Amy F CIV (US); Mitroka, Katherine F CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Whyte, J Hunter CPT USARMY (US)
Subject: RE: Update
Date: Friday, May 10, 2013 6:11:00 PM

SSG Bennett,

Have you not received the OPM email to fill out your SF86 yet?

Thanks!

MAJ Fein

-----Original Message-----

From: Tooman, Joshua J CPT USARMY (US)
Sent: Friday, May 10, 2013 10:06 AM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: 'David Coombs'; thomashurley1@me.com; Hurley, Thomas F MAJ USARMY (US); Bennett, Jessica D SSG USARMY (US)
Subject: Update

Sir

Could you please provide a status update for SSG Bennett's TS request?

V/R

Josh

From: Tooman, Joshua J CPT USARMY (US)
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: "David Coombs"; thomashurley1@me.com; Hurley, Thomas F MAJ USARMY (US); Bennett, Jessica D SSG USARMY (US)
Subject: Update
Date: Friday, May 10, 2013 10:05:43 AM

Sir

Could you please provide a status update for SSG Bennett's TS request?

V/R

Josh

From: Fein, Ashden MAJ USARMY MDW (US)
To: "David E. Coombs"
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); USARMY Ft McNair mdw Mailbox MDW Court Reporters OMB; Raffel, Michael J SFC USARMY (US); Moore, Katrina R MSG USARMY (US); Jefferson, Dashawn MSG USARMY (US)
Subject: RE: Immunity Request
Date: Tuesday, May 07, 2013 8:46:00 AM

David,

We expect to receive concurrence for the immunity today. Also, we are seeking immunity for CPT Lim, based on him invoking his Article 31 rights. We will keep you updated on this request.

v/r
Ashden

-----Original Message-----

From: David E. Coombs [<mailto:coombs@armycourtmartrialdefense.com>]
Sent: Tuesday, May 07, 2013 7:12 AM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); USARMY Ft McNair mdw Mailbox MDW Court Reporters OMB; Raffel, Michael J SFC USARMY (US); Moore, Katrina R MSG USARMY (US); Jefferson, Dashawn MSG USARMY (US)
Subject: Immunity Request

Ashden,

Can you provide me with an update on the immunity requests for CW2 Balonek and Mr. Adkins?

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
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www.armycourtmartrialdefense.com

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From: David E. Coombs
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); USARMY Ft McHair.mdw Mailbox MDW Court Reporters OMB; Raffel, Michael J SFC USARMY (US); Moore, Katrina R MSG USARMY (US); Jefferson, Dashawn MSG USARMY (US)
Subject: Immunity Request
Date: Tuesday, May 07, 2013 7:11:57 AM

Ashden,

Can you provide me with an update on the immunity requests for CW2 Balonek and Mr. Adkins?

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
coombs@armycourt martialdefense.com
www.armycourt martialdefense.com

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From: Fein, Ashden MAJ USARMY MDW (US)
To: "coombs@armycourt martialdefense.com"
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); USARMY Ft McNair mdw Mailbox MDW Court Reporters OMB; Raffel, Michael J SFC USARMY (US); Moore, Katrina R MSG USARMY (US); Jefferson, Dashawn MSG USARMY (US)
Subject: Re: Government Filing
Date: Monday, May 06, 2013 8:41:55 PM

Absolutely.

----- Original Message -----

From: David E. Coombs [mailto:coombs@armycourt martialdefense.com]
Sent: Tuesday, May 07, 2013 12:28 AM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); USARMY Ft McNair mdw Mailbox MDW Court Reporters OMB; Raffel, Michael J SFC USARMY (US); Moore, Katrina R MSG USARMY (US); Jefferson, Dashawn MSG USARMY (US)
Subject: RE: Government Filing

Ashden,

Can you provide a copy of the classified filing to us tomorrow? Our experts are already at Fort Meade. Thanks.

Best,
David

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US) [mailto:ashden.fein.mil@mail.mil]
Sent: Monday, May 6, 2013 7:50 PM
To: Lind, Denise R COL USARMY (US)
Cc: 'David E. Coombs'; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); USARMY Ft McNair mdw Mailbox MDW Court Reporters OMB; Raffel, Michael J SFC USARMY (US); Moore, Katrina R MSG USARMY (US); Jefferson, Dashawn MSG USARMY (US)
Subject: Government Filing

Ma'am,

Good evening. Attached is the Government's Proposed Alternatives to Classified Information filing. The United States is sending the classified enclosures via SIPRNET to the Court and the defense experts and will have a copy for the Court tomorrow.

v/r
MAJ Fein

From: David E. Coombs
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); USARMY Ft McNair mdw Mailbox MDW Court Reporters OMB; Raffel, Michael J SFC USARMY (US); Moore, Katrina R MSG USARMY (US); Jefferson, Dashawn MSG USARMY (US)
Subject: RE: Government Filing
Date: Monday, May 06, 2013 8:28:54 PM

Ashden,

Can you provide a copy of the classified filing to us tomorrow? Our experts are already at Fort Meade. Thanks.

Best,
David

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US) [<mailto:ashden.fein.mil@mail.mil>]
Sent: Monday, May 6, 2013 7:50 PM
To: Lind, Denise R COL USARMY (US)
Cc: 'David E. Coombs'; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); USARMY Ft McNair mdw Mailbox MDW Court Reporters OMB; Raffel, Michael J SFC USARMY (US); Moore, Katrina R MSG USARMY (US); Jefferson, Dashawn MSG USARMY (US)
Subject: Government Filing

Ma'am,

Good evening. Attached is the Government's Proposed Alternatives to Classified Information filing. The United States is sending the classified enclosures via SIPRNET to the Court and the defense experts and will have a copy for the Court tomorrow.

v/r
MAJ Fein

From: David E. Coombs
Fein, Ashden MAJ USARMY MDW (US)
To: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT
USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); Mitroka,
Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: RE: Proposed Trial Schedule
Date: Monday, May 06, 2013 8:22:24 PM

Ashden,

Let's discuss this in more detail during tomorrow's 802 session. Here are a few of the issues that we believe should be added:

1) We should alert COL Lind that in addition to Mr. Cindrich, we have an agreement in principle on 86 other witnesses (including John Doe).

2) Put on the calendar the date where your version of the stip is due so that the Defense will have at least a 10 duty days to verify and finalize in time for the start of trial. Ideally, this would be something that we could knock out during the May 21-24 Article 39(a). If we can knock it out in advance, this will ensure that we all know which witnesses are actually needed for the trial.

3) We should provide an estimation of length of the trial based upon stipulations. I would estimate 5 to 8 weeks.

4) Provide the order of the witnesses that the Government will call and the order of the witnesses that the Defense will call to the Court and parties in advance of trial in order for us to plan how many witnesses will be called per week and who will be brought for each week. This will avoid having witnesses sit at Fort Meade for multiple weeks, and help us with planning on who will be needed and when.

5) If we are still in session, break for 3 through 7 July. It does not make sense to come back on the 5th, and it also avoids the need for witnesses to travel on a Federal holiday.

Let me know if you have any questions based upon the above. I will be at the courthouse at 12:00 tomorrow if you want to discuss in advance of the 802.

Best,
David

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US) [mailto:ashden.fein.mil@mail.mil]
Sent: Friday, May 3, 2013 5:05 PM
To: 'David E. Coombs'
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: Proposed Trial Schedule

David,

Attached is our trial schedule proposal. Please let us know if you have recommendations/concur for the joint plan that is due on 7 May.

Thanks!

v/r
Ashden

From: David Coombs
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: RE: Proposed Trial Schedule
Date: Sunday, May 05, 2013 8:30:29 PM

Ashden,

I have a few recommendations for changes to the document. I want to run these by my co-counsel tomorrow and then I will get back to you.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
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-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US) [<mailto:ashden.fein.mil@mail.mil>]
Sent: Friday, May 03, 2013 5:05 PM
To: 'David E. Coombs'
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: Proposed Trial Schedule

David,

Attached is our trial schedule proposal. Please let us know if you have recommendations/concur for the joint plan that is due on 7 May.

Thanks!

v/r
Ashden

From: Fein, Ashden MAJ USARMY MDW (US)
To: "David E. Coombs"
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Bcc: Clark, Dorek D SGT USARMY USAMDW (US); Jorns, Claire V SGT USARMY (US); McLamb, Amber M SGT USARMY MDW (US); Parra, Jairo A (JPI) CW2 USARMY USAMDW (US); Carskadon, Amy F CIV (US); von Elten, Alexander S (Allec) CPT USARMY (US)
Subject: Proposed Trial Schedule
Date: Friday, May 03, 2013 5:05:00 PM
Attachments: 130503-Daily Trial Schedule.docx

David,

Attached is our trial schedule proposal. Please let us know if you have recommendations/concur for the joint plan that is due on 7 May.

Thanks!

v/r
Ashden

From: David E. Coombs
To: Fein, Ashden MAJ USARMY MDW (US); Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US)
Subject: RE: Tuesday time
Date: Thursday, May 02, 2013 1:54:55 PM

Ashden,

Please bring him by 1230 on Tuesday. Thank you.

Best,
David

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US) [mailto:ashden.fein.mil@mail.mil]
Sent: Thursday, May 2, 2013 10:49 AM
To: 'David E. Coombs'; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US)
Subject: Tuesday time

Defense,

What time would you like your client at the courthouse on Tuesday? Thank you.

v/r
MAJ Fein

From: Fein, Ashden MAJ USARMY MDW (US)
To: "David E. Coombs"; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US)
Bcc: Clark, Derek D SGT USARMY USAMDW (US); Jorns, Claire V SGT USARMY (US); McLamb, Amber M SGT USARMY MDW (US); Carskadon, Amy E CIV (US)
Subject: Tuesday time
Date: Thursday, May 02, 2013 10:48:00 AM

Defense,

What time would you like your client at the courthouse on Tuesday? Thank you.

v/r
MAJ Fein

From: Peter Galbraith
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: pgalbraith@leg.state.vt.us; Ford, Arthur D (Artie) CW2 USARMY MCOE (US); Rains, Larry F CIV USARMY HQDA DCS G-2 (US); Pittman, Jamil A CIV USARMY HQDA DCS G-2 (US); David E. Coombs; Morrow, JoDean (Joe) III MAJ USARMY USAMDW (US)
Subject: Re: Clearance Issues
Date: Wednesday, May 01, 2013 8:40:53 PM

Thank you.

Sent from my iPhone

On May 1, 2013, at 8:29 PM, "Fein, Ashden MAJ USARMY MDW (US)" <ashden.fein.mil@mail.mil> wrote:

> Ambassador Galbraith,

>

> Good evening. Based on the issues you relayed in your last email and our discussions with Mr. Coombs, we contacted the OPM helpdesk to inquire about the standards on the SF86 for those applying for a security clearance. The representative stated that a security clearance applicant must voluntarily fill out the form to "the best of his ability" so that an investigation may be started and you be immediately processed for an interim clearance. If you traveled overseas, but can't remember when, you just need to write a note that explains that you can't remember. If you end up forgetting about a trip, then an investigator would simply ask you about it during your investigation, if there is an investigation. Foreign travel does not need to be listed if it was official government travel, unless you extended the trip for personal reasons. Also, if you took multiple short trips to the same country, you may list the dates of the first and last trip, and estimate them as necessary. Also, you may estimate other information, or list other information as unknown, such as past marriage details, relatives, previous addresses, and foreign contacts.

>

> Hopefully this clarification is helpful and makes this process easier for you. Also, based on the technical constraints using the OPM website and your demanding schedule, we can offer to make this easier for you with these options: (1) you may provide us a handwritten SF86 and we will input the information into the website for you, then all you will need to do is log on and certify and submit the form or (2) you may provide us a handwritten SF85P and we will take that information and input the information into the website in order to minimize the time it will take you to fill out the remaining portions of the digital SF86, and then we will fill the remaining portions out with you on the phone, followed by you logging on and certifying and submitting the form. We can also coordinate for you to get your fingerprints taken at the closest military installation or local police station.

>

> Attached to this email are a SF86 and SF85P so that you can decide the easiest method to apply for your security clearance. We are standing by to assist you.

>

> Thank you!

>

> Respectfully,

>

> Major Fein

>

>

> Ashden Fein

> Major, U.S. Army

>

> -----Original Message-----

> From: Fein, Ashden MAJ USARMY MDW (US)

> Sent: Thursday, April 18, 2013 2:49 PM

> To: Peter Galbraith

> Cc: pgalbraith@leg.state.vt.us; Ford, Arthur D Jr CW2 USARMY (US); Rains, Larry E CIV USARMY HQDA DCS G-2 (US); Pittman, Jamil A CIV USARMY HQDA DCS G-2 (US); David E. Coombs; Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)

> Subject: RE: Clearance Issues

>

> Ambassador Galbraith,

>

> Thank you for such a quick reply. The defense team in this criminal case requested that you have access to classified information in order to testify. Based on this request and only this request, the prosecution on behalf of the Department of the Army and Department of State is working to provide Private First Class Manning the approvals his defense asked for, but as outlined below, this requires you to fill out the appropriate paperwork and follow the other steps for a security clearance.

>

> We acknowledge and respect how busy you are and your previous positions within the United States Government; however under the current laws and regulations neither the defense, prosecution, or the Court is authorized to discuss classified information with you until the threshold requirements are met.

>

> At this point we recommend that you discuss the way forward with Mr. Coombs and the defense team. They requested you as a witness and specifically requested you be provided access to classified information and we are processing that request. If the defense still wants to share classified information with you or discuss classified information at trial, then we must receive your information.

>

> Thank you!

>

> Respectfully,

>

> Major Fein

>

>

> Ashden Fein

> Major, U.S. Army

>

> -----Original Message-----

> From: Peter Galbraith [<mailto:galbraithvt@gmail.com>]

> Sent: Wednesday, April 17, 2013 9:49 PM

> To: Fein, Ashden MAJ USARMY MDW (US)

> Cc: pgalbraith@leg.state.vt.us; Ford, Arthur D Jr CW2 USARMY (US); Rains, Larry E CIV USARMY HQDA DCS G-2 (US); Pittman, Jamil A CIV USARMY HQDA DCS G-2 (US); David E. Coombs; Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)

> Subject: Re: Clearance Issues

>

> Dear Major Fein,

>

> As I understand it, I am being asked to obtain a security clearance in order to testify about State Department cables that anyone can see on line. .

>

> My problem is that I have a busy life. I am a senator here in Vermont at what is now the busiest time in the legislative session. In addition, I continue to operate my international consulting activities. i was in Kurdistan (Iraq) a few weeks ago and am also deeply involved in a British-funded project aimed at strengthening the negotiating capacities of Syrian minorities.

>

> I wasted considerable time trying to log in to the website and was frustrated by the fact that DOD entered the wrong social security number for me. Once I finally entered the website, I spent several hours entering information and dealing with a site that was not cooperative. For example, it asked for a phone number for my work in Afghanistan but the site only accepts US configured numbers. I gave up when I realized I would have to answer questions about all my significant foreign contacts (there are scores) and about each foreign trip I made in the last seven years (at least seventy trips to sixty countries). Indeed, I doubt I could reconstruct my travel or come up with all the contacts. I don't know the addresses of my Canadian cousins, the names of their spouses, or the whereabouts of all my nephews and nieces. And, for that matter I don't recall the date of my marriage to my second wife, the precise name of the town in Maine where we married or her birthdate (nor do I care to find out). All this

information is available on my previous security forms. Of course, I didn't mind the paperwork to become an Ambassador but it is overkill in order to testify in a trial about cables that everyone can see on line.

>

> I held TS/ codeword clearances from 1979 to at least 2003. Among other positions of trust, I served as a US Ambassador. Since the only cables that I need to see are ones Private Manning leaked and therefore available on line, I think the risk to US national security of me not getting a clearance in advance of my testimony is exactly zero.

>

> I would like to help the court but we need to find a practical way for me to do so.

>

> All the best

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> Peter Galbraith

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> Respectfully,

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> Major Fein

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> Ashden Fein

> Major, U.S. Army

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> -----Original Message-----

> From: Peter Galbraith [mailto:pgalbraith@leg.state.vt.us]

> Sent: Tuesday, April 02, 2013 2:58 PM

> To: USARMY APG INSCOM Mailbox PSIP Center of Excellence

> Cc: galbraithvt@gmail.com; Fein, Ashden MAJ USARMY MDW (US); Pittman, Jamil

> A CIV USARMY HQDA DCS G-2 (US); Rains, Larry E CIV USARMY HQDA DCS G-2 (US)

> Subject: Re: POSSIBLE SPAM: Investigation Status Update - Processing, Ticket

> No. CLR00000495879

>

> Tried to log in but couldn't. It still says my social security number is
> already registered

>

> Sent from my iPad

>

> On Apr 2, 2013, at 9:19 AM, "PSIP Center of Excellence

> <usarmy.apg.incom.mbx.psip-center-of-excellence@mail.mil>"

> <usarmy.apg.incom.mbx.psip-center-of-excellence@mail.mil> wrote:

>

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>

> Mr. Peter Woodard Galbraith:

>

>

> In order to continue the processing of your background
> investigation, the Personnel Security Investigation Center of Excellence
> (PSI-CoE) must receive the below information. You were recently notified via
> e-mail of the requirement to complete the online e-QIP questionnaire and
> additional documentation for your background investigation.

>

> Please submit the following required documentation to the PSI-CoE as
> soon as possible or contact us at 410-278-4194 or DSN 298-4194 or e-mail
> usarmy.apg.incom.mbx.psip-questions@mail.mil so we can assist you with this
> process.

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> Required Documentation:

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> to access the signature form via the e-QIP site. Please call our customer
> support center so that we may e-mail the form to you directly.

>
>
> RELEASE OF INFORMATION FORM REQUIRED:

> Please print, sign, and send the Release of Information form
> (Identified by the letters REL in the bottom right hand corner of form) to
> the PSI-CoE using the contact information below. **Note: If you have already
> released your e-QIP questionnaire to the PSI-CoE, you will no longer be able
> to access the signature form via the e-QIP site. Please call our customer
> support center so that we may e-mail the form to you directly.

>
> MEDICAL INFORMATION PURSUANT FORM REQUIRED:

> Please print, sign, and send the Medical Information Pursuant form
> (Identified by the letters MEL in the bottom right hand corner of form) to
> the PSI-CoE using the contact information below. **Note: If you have already
> released your e-QIP questionnaire to the PSI-CoE, you will no longer be able
> to access the signature form via the e-QIP site. Please call our customer
> support center so that we may e-mail the form to you directly.

>
> FAIR CREDIT RELEASE REQUIRED:

> Please print, sign, and send the Fair Credit Release form
> (Identified by the letter FCR in the bottom right hand corner of form) to
> the PSI-CoE using the contact information below. **Note: If you have already
> released your e-QIP questionnaire to the PSI-CoE, you will no longer be able
> to access the signature form via the e-QIP site. Please call our customer
> support center so that we may e-mail the form to you directly.

>
> FINGERPRINTS REQUIRED:

> Fingerprint cards- Contact your security manager or hiring official
> for guidance. New fingerprints must be submitted if prints were captured
> over 120 days ago.

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> _____
> Documentation for this background investigation request, with the
> exception of your e-QIP questionnaire and fingerprints, may be faxed to
> 410-306-3858/410-306-0413 or DSN 458-3858/0413 or scanned and e-mailed to
> usarmy.apg.incom.mbx.psip-correspondence1@mail.mil

> If you no longer require a background investigation or you are
> unable to respond to the requests, please have your security manager or
> hiring official contact the PSI-CoE at 410-278-4194 or DSN 298-4194 or
> e-mail usarmy.apg.incom.mbx.psip-questions@mail.mil A PSI-CoE customer
> support center representative is available to assist you from 0600-2400
> (EST) Monday- Friday.

>
> Please do not respond to this email, as responses are not monitored.
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> PSIP Record Number: CLR000000495879
> Email Code: PSIP-0003
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>
> <sf85p.pdf>
> <sf86.pdf>

From: Fein, Ashden MAJ USARMY MDW (US)
To: "Peter Galbraith"
Cc: "pgalbraith@leg.state.vt.us"; Ford, Arthur D Jr CW2 USARMY (US); Rains, Larry E CIV USARMY HQDA DCS G-2 (US); Pittman, Jamil A CIV USARMY HQDA DCS G-2 (US); "David E. Coombs"; Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Bcc: Clark, Derek D SGT USARMY USAMDW (US); Jorns, Claire V SGT USARMY (US); McLamb, Amber M SGT USARMY MDW (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Carskadon, Amy E CIV (US); Mitroka, Katherine F CPT USARMY (US); Overgaard, Angel M CPT USARMY (US); von Eiten, Alexander S (Alex) CPT USARMY (US); Whyte, J Hunter CPT USARMY (US)
Subject: RE: Clearance Issues
Date: Wednesday, May 01, 2013 8:29:00 PM
Attachments: [sf85p.pdf](#)
[sf86.pdf](#)

Ambassador Galbraith,

Good evening. Based on the issues you relayed in your last email and our discussions with Mr. Coombs, we contacted the OPM helpdesk to inquire about the standards on the SF86 for those applying for a security clearance. The representative stated that a security clearance applicant must voluntarily fill out the form to "the best of his ability" so that an investigation may be started and you be immediately processed for an interim clearance. If you traveled overseas, but can't remember when, you just need to write a note that explains that you can't remember. If you end up forgetting about a trip, then an investigator would simply ask you about it during your investigation, if there is an investigation. Foreign travel does not need to be listed if it was official government travel, unless you extended the trip for personal reasons. Also, if you took multiple short trips to the same country, you may list the dates of the first and last trip, and estimate them as necessary. Also, you may estimate other information, or list other information as unknown, such as past marriage details, relatives, previous addresses, and foreign contacts.

Hopefully this clarification is helpful and makes this process easier for you. Also, based on the technical constraints using the OPM website and your demanding schedule, we can offer to make this easier for you with these options: (1) you may provide us a handwritten SF86 and we will input the information into the website for you, then all you will need to do is log on and certify and submit the form or (2) you may provide us a handwritten SF85P and we will take that information and input the information into the website in order to minimize the time it will take you to fill out the remaining portions of the digital SF86, and then we will fill the remaining portions out with you on the phone, followed by you logging on and certifying and submitting the form. We can also coordinate for you to get your fingerprints taken at the closest military installation or local police station.

Attached to this email are a SF86 and SF85P so that you can decide the easiest method to apply for your security clearance. We are standing by to assist you.

Thank you!

Respectfully,

Major Fein

Ashden Fein
Major, U.S. Army

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Thursday, April 18, 2013 2:49 PM
To: Peter Galbraith
Cc: pgalbraith@leg.state.vt.us; Ford, Arthur D Jr CW2 USARMY (US); Rains, Larry E CIV USARMY HQDA DCS G-2 (US); Pittman, Jamil A CIV USARMY HQDA DCS G-2 (US); David E. Coombs; Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Subject: RE: Clearance Issues

Ambassador Galbraith,

Thank you for such a quick reply. The defense team in this criminal case requested that you have access to classified information in order to testify. Based on this request and only this request, the prosecution on behalf of the Department of the Army and Department of State is working to provide Private First Class Manning the approvals his defense asked for, but as outlined below, this requires you to fill out the appropriate paperwork and follow the other steps for a security clearance.

We acknowledge and respect how busy you are and your previous positions within the United States Government; however under the current laws and regulations neither the defense, prosecution, or the Court is authorized to discuss classified information with you until the threshold requirements are met.

At this point we recommend that you discuss the way forward with Mr. Coombs and the defense team. They requested you as a witness and specifically requested you be provided access to classified information and we are processing that request. If the defense still wants to share classified information with you or discuss classified information at trial, then we must receive your information.

Thank you!

Respectfully,

Major Fein

Ashden Fein
Major, U.S. Army

-----Original Message-----

From: Peter Galbraith [mailto:galbraithv@gmail.com]

Sent: Wednesday, April 17, 2013 9:49 PM

To: Fein, Ashden MAJ USARMY MDW (US)

Cc: pgalbraith@leg.state.vt.us; Ford, Arthur D Jr CW2 USARMY (US); Rains, Larry E CIV USARMY HQDA DCS G-2 (US); Pittman, Jamil A CIV USARMY HQDA DCS G-2 (US); David E. Coombs; Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)

Subject: Re: Clearance Issues

Dear Major Fein,

As I understand it, I am being asked to obtain a security clearance in order to testify about State Department cables that anyone can see on line. .

My problem is that I have a busy life. I am a senator here in Vermont at what is now the busiest time in the legislative session. In addition, I continue to operate my international consulting activities. I was in Kurdistan (Iraq) a few weeks ago and am also deeply involved in a British-funded project aimed at strengthening the negotiating capacities of Syrian minorities.

I wasted considerable time trying to log in to the website and was frustrated by the fact that DOD entered the wrong social security number for me. Once I finally entered the website, I spent several hours entering information and dealing with a site that was not cooperative. For example, it asked for a phone number for my work in Afghanistan but the site only accepts US configured numbers. I gave up when I realized I would have to answer questions about all my significant foreign contacts (there are scores) and about each foreign trip I made in the last seven years (at least seventy trips to sixty countries). Indeed, I doubt I could reconstruct my travel or come up with all the contacts. I don't know the addresses of my Canadian cousins, the names of their spouses, or the whereabouts of all my nephews and nieces. And, for that matter I don't recall the date of my marriage to my second wife, the precise name of the town in Maine where we married or her birthdate (nor do I care to find out). All this information is available on my previous security forms. Of course, I didn't mind the paperwork to become an Ambassador but it is

overkill in order to testify in a trial about cables that everyone can see on line.

I held TS/ codeword clearances from 1979 to at least 2003. Among other positions of trust, I served as a US Ambassador. Since the only cables that I need to see are ones Private Manning leaked and therefore available on line, I think the risk to US national security of me not getting a clearance in advance of my testimony is exactly zero.

I would like to help the court but we need to find a practical way for me to do so.

All the best

Peter Galbraith

On Wed, Apr 17, 2013 at 7:04 PM, Fein, Ashden MAJ USARMY MDW (US) <ashden.fein.mil@mail.mil> wrote:

Ambassador Galbraith,

Good evening. In addition to the previous emails between you and Mr. Rains and Chief Ford, Mr. Coombs approached us on April 10th to inform us that you were having difficulty with the security clearance process. Mr. Coombs asked if there was a way we could streamline the current process. According to Army Regulation 380-67, you must submit a Standard Form 86 (e-Qip) through the OPM website before you are granted access. The prosecution understands the form can be cumbersome, but there is no other solution available.

If you have any problems with the e-Qip website, please call the helpdesk at 410-278-4194 or e-mail usarmy.apg.inscom.mbx.psip-questions@mail.mil. The Department of the Army was able to have the website held open longer than the normal five day period so that you have more time to fill in the information, and this was based on your request to have your account reinstated.

As outlined below, without this electronic submission, signed release and consent forms, and your fingerprints you cannot access the classified information the defense would like to provide, and will not be able to participate in this court-martial in the capacity the defense intends.

If you have any questions or need assistance, please contact Chief Warrant Officer 2 Arthur Ford at 202-685-1975 or arthur.d.ford.mil@mail.mil.

Thank you!

Respectfully,

Major Fein

Ashden Fein
Major, U.S. Army

-----Original Message-----

From: Peter Galbraith [mailto:pgalbraith@leg.state.vt.us]

Sent: Tuesday, April 02, 2013 2:58 PM

To: USARMY APG INSCOM Mailbox PSIP Center of Excellence

Cc: galbraithvt@gmail.com; Fein, Ashden MAJ USARMY MDW (US); Pittman, Jamil

A CIV USARMY HQDA DCS G-2 (US); Rains, Larry E CIV USARMY HQDA DCS G-2 (US)

Subject: Re: POSSIBLE SPAM: Investigation Status Update - Processing, Ticket

No. CLR00000495879

Tried to log in but couldn't. It still says my social security number is already registered

Sent from my iPad

On Apr 2, 2013, at 9:19 AM, "PSIP Center of Excellence

<usarmy.apg.incom.mbx.psip-center-of-excellence@mail.mil>"

<usarmy.apg.incom.mbx.psip-center-of-excellence@mail.mil> wrote:

Mr. Peter Woodard Galbraith:

In order to continue the processing of your background investigation, the Personnel Security Investigation Center of Excellence (PSI-CoE) must receive the below information. You were recently notified via e-mail of the requirement to complete the online e-QIP questionnaire and additional documentation for your background investigation.

Please submit the following required documentation to the PSI-CoE as soon as possible or contact us at 410-278-4194 or DSN 298-4194 or e-mail usarmy.apg.incom.mbx.psip-questions@mail.mil so we can assist you with this process.

Required Documentation:

e-QIP NOT COMPLETED:

Online submission of e-QIP questionnaire is required-
<http://www.opm.gov/e-qip/>.

CERTIFICATION SIGNATURE FORM REQUIRED:

Please print, sign, and send the Certification Signature form (Identified by the letters CER in the bottom right hand corner of form) to the PSI-CoE using the contact information below. **Note: If you have already released your e-QIP questionnaire to the PSI-CoE, you will no longer be able to access the signature form via the e-QIP site. Please call our customer support center so that we may e-mail the form to you directly.

RELEASE OF INFORMATION FORM REQUIRED:

Please print, sign, and send the Release of Information form (Identified by the letters REL in the bottom right hand corner of form) to the PSI-CoE using the contact information below. **Note: If you have already released your e-QIP questionnaire to the PSI-CoE, you will no longer be able to access the signature form via the e-QIP site. Please call our customer support center so that we may e-mail the form to you directly.

MEDICAL INFORMATION PURSUANT FORM REQUIRED:

Please print, sign, and send the Medical Information Pursuant form (Identified by the letters MEL in the bottom right hand corner of form) to the PSI-CoE using the contact information below. **Note: If you have already released your e-QIP questionnaire to the PSI-CoE, you will no longer be able to access the signature form via the e-QIP site. Please call our customer support center so that we may e-mail the form to you directly.

FAIR CREDIT RELEASE REQUIRED:

Please print, sign, and send the Fair Credit Release form (Identified by the letter FCR in the bottom right hand corner of form) to the PSI-CoE using the contact information below. **Note: If you have already released your e-QIP questionnaire to the PSI-CoE, you will no longer be able to access the signature form via the e-QIP site. Please call our customer support center so that we may e-mail the form to you directly.

FINGERPRINTS REQUIRED:

Fingerprint cards- Contact your security manager or hiring official for guidance. New fingerprints must be submitted if prints were captured over 120 days ago.

Documentation for this background investigation request, with the exception of your e-QIP questionnaire and fingerprints, may be faxed to 410-306-3858/410-306-0413 or DSN 458-3858/0413 or scanned and e-mailed to usarmy.apg.inscom.mbx.psip-correspondence1@mail.mil

If you no longer require a background investigation or you are unable to respond to the requests, please have your security manager or hiring official contact the PSI-CoE at 410-278-4194 or DSN 298-4194 or e-mail usarmy.apg.inscom.mbx.psip-questions@mail.mil A PSI-CoE customer support center representative is available to assist you from 0600-2400 (EST) Monday- Friday.

Please do not respond to this email, as responses are not monitored.

PSIP Record Number: CLR000000495879

Email Code: PSIP-0003

From: Fein, Ashden MAJ USARMY MDW (US)
To: David E. Coombs
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elton, Alexander S (Alex) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); Hall, Cassius N CIV (US); Ganiel, Charles J CIV USARMY ATEC (US)
Bcc: Clark, Derek D SGT USARMY USAMDW (US); Johns, Claire V SGT USARMY (US); McLamb, Amber M SGT USARMY MDW (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Carskadon, Amy F CIV (US)
Subject: RE: Updates
Date: Wednesday, May 01, 2013 8:26:00 PM
Attachments: [sf86.pdf](#)
[sf85p.pdf](#)
[RE Updates.msg](#)
[RE Updates.msg](#)

David,

1. We have spoken to different individuals but are still working on obtaining the appropriate POC for you to contact.
2. We contacted the OPM helpdesk to inquire about the standards on the SF86 for those applying for a security clearance. The representative stated Ambassador Galbraith needs to fill out the form to "the best of his ability" so that we can start the investigation in order to obtain an interim clearance. If he knows that he has traveled overseas, but can't remember when, he just needs to write a note that explains that he can't remember. If he ends up forgetting about a trip, then an investigator would simply ask him about it during his investigation, if there is an investigation. Foreign travel does not need to be listed if it was official government travel, unless he extended the trip for personal reasons (leave in conjunction with TDY scenario). Also, if he took multiple short trips to the same country, he can list the dates of the first and last trip, and estimate them as necessary. Also, those requesting a clearance can estimate other information, or list other information as unknown, such as past marriage details, relatives, and previous addresses.
3. Rather than continuing back and forth about the requirements for a security clearance, we should collectively be focused on how to achieve the ultimate goal to fulfill the defense's request to share classified information with your witnesses. Based on this now taking more than 45 days to obtain Ambassador Galbraith's information for his clearance, we are getting very close to the Department of State and Department of the Army not being able to process his completed forms and requirements before trial. The basic information in a SF86 is the same as a SF85P and unfortunately the SF85P requires much of the same information (less some details) that Ambassador Galbraith is refusing to provide, i.e. employment history, foreign trips over the past 7 years, and family information. To possibly make this easier for Ambassador Galbraith we see two possible options: (1) he provides us a handwritten SF86 and we input the information into the website for him, then he will certify and submit or (2) he provides a handwritten SF85P and we take that information and input the information into the website in order to minimize the time it will take him to fill out the remaining portions of the digital SF86, and we will fill the remaining portions out with him on the phone, then he will certify and submit. Attached are a SF86 and SF85P.
4. We hope with this explanation, Ambassador Galbraith can more easily fill out his SF86 and we can continue to process the defense's clearance request. I intend to send an email to Ambassador Galbraith explaining the above. Please relay the same to him so we may continue processing the defense's request.

Thank you!

v/r
Ashden

-----Original Message-----

From: David E. Coombs [<mailto:coombs@armycourtartialdefense.com>]
Sent: Tuesday, April 30, 2013 9:39 PM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessice D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); Hall, Cassius N CIV (US); Ganiel, Charles J CIV USARMY ATEC (US)
Subject: RE: Updates

Ashden,

I used Ms. Smith because she was listed as the POC for the memorandum that you sent to the Defense last week. I also tried calling Ms. Stokes, but the number that I found for her was disconnected.

Best,
David

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US) [<mailto:ashden.fein.mil@mail.mil>]
Sent: Tuesday, April 30, 2013 4:58 PM
To: David E. Coombs
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessice D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); Hall, Cassius N CIV (US); Ganiel, Charles J CIV USARMY ATEC (US)
Subject: RE: Updates

David,

We are working on obtaining the appropriate POC for you to contact. I hope to have an answer and contact information in the next day or so. Also, do you mean Ms. Travers rather than Ms. Smith? Finally, we are reaching out to OPM to see what standard is required for an individual to fill out an SF-86 and see if there is flexibility with the amount and detail of required information considering Ambassador Galbraith's international travels. We will continue to be available to assist the defense and Ambassador Galbraith to keep this process moving forward.

v/r
Ashden

-----Original Message-----

From: David E. Coombs [<mailto:coombs@armycourtartialdefense.com>]
Sent: Tuesday, April 30, 2013 11:01 AM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessice D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); Hall, Cassius N CIV (US); Ganiel, Charles J CIV USARMY ATEC (US)
Subject: RE: Updates

Ashden,

I need a POC that you are relying upon. I want to speak to this person, and based upon their response, I will file a motion with this person listed as a witness in support of the motion. Please provide me with the contact information for the POC at G2 that you are relying upon for your interpretation on the required paperwork for Ambassador Galbraith. If you do not have a POC, please provide with an additional POC for Ms. Smith or for someone else in G2 that can testify for the benefit of the court. Thank you.

Best,
David

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US) [<mailto:ashden.fein.mil@mail.mil>]

Sent: Tuesday, April 30, 2013 10:55 AM

To: David E. Coombs

Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); Hall, Cassius N CIV (US); Ganiel, Charles J CIV USARMY ATEC (US)
Subject: RE: Updates

David,

The questions you have asked are administrative in nature and we have provided the responses on behalf of the Department of the Army and Department of State. At this point, please address any issues you have with the Court. The easiest and most efficient way to resolve this issue is for Ambassador Galbraith to fill out the required paperwork. We are standing by to assist Ambassador Galbraith with his clearance.

v/r
Ashden

-----Original Message-----

From: David E. Coombs [mailto:coombs@armycourt martialdefense.com]

Sent: Tuesday, April 30, 2013 10:47 AM

To: Fein, Ashden MAJ USARMY MDW (US)

Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); Hall, Cassius N CIV (US); Ganiel, Charles J CIV USARMY ATEC (US)
Subject: RE: Updates

Ashden,

I do not read the attachment as applying to AMB Galbraith. I tried contacting Ms. Smith to obtain further clarity, but she has not returned my calls. Can you please provide me with contact information for the G2 representative that the Government is relying upon to say that AMB Galbraith must fill out a SF86? Thank you.

Best,
David

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US) [mailto:ashden.fein.mil@mail.mil]

Sent: Wednesday, April 24, 2013 7:35 PM

To: David E. Coombs

Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); Hall, Cassius N CIV (US); Ganiel, Charles J CIV USARMY ATEC (US)

Subject: RE: Updates

David,

I agree that the current version of AR 380-67 does reflect what you have below; however that regulation applies in concert with the attached memorandum from HQDA that implements the USG wide requirements. In order for AMB Galbraith to have access he must fill out a SF86. Please consult with him and let us know if he will comply. There is nothing more we can do to streamline this process but for what we have already done by providing him points of contact, extending the window of time to fill out the SF86, and offering continued assistance over the past month. We are complying with the defense's request to grant him a clearance, but we need the information to continue moving forward.

Thank you.

v/r
Ashden

-----Original Message-----

From: David E. Coombs [mailto:coombs@armycourt martialdefense.com]

Sent: Wednesday, April 24, 2013 4:12 PM

To: Fein, Ashden MAJ USARMY MDW (US)

Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); Hall, Cassius N CIV (US); Ganiel, Charles J CIV USARMY ATEC (US)

Subject: RE: Updates

Importance: High

Ashden,

I left a message with Ms. Travers regarding the ability to grant an individual an interim clearance. Please look at paragraph 3-20 b(2)(a) of AR 380-67 and explain to me why you cannot use this provision to provide an interim clearance to AMB Galbraith. That section states:

(2) Interim Clearance

(a) When a valid need to access SECRET information is established, an interim SECRET clearance may be issued for 180 days in the name of the CDR, CCF, in every case, provided that a DA Form 5247-R has been submitted to CCF, and the steps outlined in Paragraphs (b) through (c), below, have been complied with.

(b) Favorable review of DD form 398-2/SF 85/OF 612/DD Form 48.

(c) NACI, DNACI, OR ENTNAC initiated.

(d) Favorable review of local personnel, post military police, medical, and other security records as appropriate.

(e) NAC or ENTNAC completed or, in an emergency, provisions of paragraph 3-10 have been complied with regarding civilian personnel.

Again, I am hoping that common sense can prevail and we can resolve this issue between us.

Best,

David

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US) [mailto:ashden.fein.mil@mail.mil]

Sent: Wednesday, April 24, 2013 2:53 PM

To: David E. Coombs

Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: RE: Updates

David,

AR 380-67 lays out the requirements, which include filling out an SF86 and submitting to a background check, even for an interim clearance. This is the required process for all United States citizens. Almost all individuals involved in this case have been granted access based on interim clearances, including your original SCI clearance and, most recently, Col Davis's clearance last week. I spoke with Ms. Travers who confirmed that an American citizen must submit "the proper paperwork," which includes an SF-86 to be granted an interim clearance. Ms. Travers also mentioned that since Ambassador Galbraith is refusing to complete the proper paperwork or cooperate with security processing, this refusal is grounds for an unfavorable clearance action in the future.

The Department of the Army and the Department of State are working to make this process as efficient as possible under each witnesses' personal circumstances and the rules, but Ambassador Galbraith must voluntarily comply with the minimum requirements, and we cannot force a witness to complete the requisite paperwork and submit to an investigation. We are standing by to continue assisting in expediting this process once he submits his information.

v/r

Ashden

-----Original Message-----

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<<mailto:coombs@armycourtartialdefense.com>>]

Sent: Wednesday, April 24, 2013 9:26 AM

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Subject: RE: Updates

Importance: High

Ashden,

I asked my security experts whether there was any restriction on granting an interim clearance for AMB Galbraith. They routed the request to the Security Specialist at ATEC, Ms. Holly Travers. Ms. Travers indicated that an interim clearance could be granted to AMB Galbraith provided that the proper paperwork was filled out and that no derogatory information was found. I would like for us to do this in order to ensure that his testimony

is not arbitrarily limited during sentencing.

I am hoping that we can resolve this issue between us as opposed to resorting to the need to file a motion with COL Lind for appropriate relief.

Can you let me know today if you will work with the Defense to get AMB Galbraith either an interim clearance or approval for limited access to the

charged information for the purposes of the court-martial? If not, can you

provide the authority that you are relying upon to deny the request? Thank you.

Best,

David

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US) [mailto:ashden.fein.mil@mail.mil
<mailto:ashden.fein.mil@mail.mil>]

Sent: Tuesday, April 23, 2013 7:17 AM

To: 'coombs@armycourtartialdefense.com'

Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)

Subject: Re: Updates

David,

For stips- sounds good.

As for AMB Galbraith- unfortunately there is nothing else we can do for him without him voluntarily submitting to an investigation. Based on your request last session we worked with HQDA and DOS to find a work around.

Because he is an American citizen (vice being a dual citizen or foreign national that have different rules), the rules require him to have a clearance. This is also because of the amount of time between his last valid investigation and today, because the previous investigation is not valid.

He is being asked to follow the same procedures Col Davis just completed.

Overall an exception would make this much easier for all of us, but at this point we have no other method to obtain access for him.

V/r

Ashden

----- Original Message -----

From: David E. Coombs [<mailto:coombs@armycourt martialdefense.com>
<<mailto:coombs@armycourt martialdefense.com>>]

Sent: Tuesday, April 23, 2013 12:32 AM

To: Fein, Ashden MAJ USARMY MDW (US)

Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)

Subject: RE: Updates

Ashden,

Thank you for the update. We will get back to you by COB Wednesday on your list of witnesses. I anticipate us not having a problem with stipulating to around 90% of the witnesses listed subject to us working out the wording of the stipulation (as we did with Cindrich). With regards to Mr. Doe, we

will need to receive the responses to our interrogatories before we could agree to stipulate.

As an aside, and in the new spirit of cooperation, I am requesting that the Government approve limited access to classified information for the purposes of the court-martial for AMB Galbraith instead of a full security clearance.

I am confident that we can assist him in completing the Standard Form 85P, arrange to have his fingerprints taken, and sign the requisite agreements.

I am requesting authorization to show him only the charged cables in Specifications 13 and 14. Please let me know if the Government would be amenable to this solution and I will notify COL Lind of our joint work around of this issue.

Best,

David

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US) [<mailto:ashden.fein.mil@mail.mil>]
<<mailto:ashden.fein.mil@mail.mil>>]

Sent: Monday, April 22, 2013 7:37 PM

To: 'coombs@armycourtartialdefense.com'

Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)

Subject: Updates

David,

1. Attached is a list of witnesses to which we would be willing to stipulate. We will follow this up with a brief description of why the witness is being called if necessary; however, our actual witness list is a good starting point to understand each witness's significance. If there are witnesses listed that the defense is going to object to, please let us know so we will not focus on producing the summary of their testimony as the next step.

2. Although we are still processing the immunity requests IAW AR 27-10, we expect them to go to the CG no later than next week's appointment.

3. We do not oppose production of PFC BM's sister for sentencing.

v/r

Ashden

From: Fein, Ashden MAJ USARMY MDW (US)
To: "coombs@armycourt martialdefense.com"
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); Hall, Cassius N CIV (US); Ganiel, Charles J CIV USARMY ATEC (US)
Subject: Re: Updates
Date: Tuesday, April 30, 2013 9:54:13 PM

Thank you.

----- Original Message -----

From: David E. Coombs [mailto:coombs@armycourt martialdefense.com]
Sent: Wednesday, May 01, 2013 01:39 AM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); Hall, Cassius N CIV (US); Ganiel, Charles J CIV USARMY ATEC (US)
Subject: RE: Updates

Ashden,

I used Ms. Smith because she was listed as the POC for the memorandum that you sent to the Defense last week. I also tried calling Ms. Stokes, but the number that I found for her was disconnected.

Best,
David

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US) [mailto:ashden.fein.mil@mail.mil]
Sent: Tuesday, April 30, 2013 4:58 PM
To: David E. Coombs
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); Hall, Cassius N CIV (US); Ganiel, Charles J CIV USARMY ATEC (US)
Subject: RE: Updates

David,

We are working on obtaining the appropriate POC for you to contact. I hope to have an answer and contact information in the next day or so. Also, do you mean Ms. Travers rather than Ms. Smith? Finally, we are reaching out to OPM to see what standard is required for an individual to fill out an SF-86 and see if there is flexibility with the amount and detail of required information considering Ambassador Galbraith's international travels. We will continue to be available to assist the defense and Ambassador Galbraith to keep this process moving forward.

v/r
Ashden

-----Original Message-----

From: David E. Coombs [<mailto:coombs@armycourtartialdefense.com>]
Sent: Tuesday, April 30, 2013 11:01 AM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); Hall, Cassius N CIV (US); Ganiel, Charles J CIV USARMY ATEC (US)
Subject: RE: Updates

Ashden,

I need a POC that you are relying upon. I want to speak to this person, and based upon their response, I will file a motion with this person listed as a witness in support of the motion. Please provide me with the contact information for the POC at G2 that you are relying upon for your interpretation on the required paperwork for Ambassador Galbraith. If you do not have a POC, please provide with an additional POC for Ms. Smith or for someone else in G2 that can testify for the benefit of the court. Thank you.

Best,
David

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US) [<mailto:ashden.fein.mil@mail.mil>]
Sent: Tuesday, April 30, 2013 10:55 AM
To: David E. Coombs
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); Hall, Cassius N CIV (US); Ganiel, Charles J CIV USARMY ATEC (US)
Subject: RE: Updates

David,

The questions you have asked are administrative in nature and we have provided the responses on behalf of the Department of the Army and Department of State. At this point, please address any issues you have with the Court. The easiest and most efficient way to resolve this issue is for Ambassador Galbraith to fill out the required paperwork. We are standing by to assist Ambassador Galbraith with his clearance.

v/r
Ashden

-----Original Message-----

From: David E. Coombs [<mailto:coombs@armycourtartialdefense.com>]
Sent: Tuesday, April 30, 2013 10:47 AM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY

USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); Hall, Cassius N CIV (US); Ganiel, Charles J CIV USARMY ATEC (US)
Subject: RE: Updates

Ashden,

I do not read the attachment as applying to AMB Galbraith. I tried contacting Ms. Smith to obtain further clarity, but she has not returned my calls. Can you please provide me with contact information for the G2 representative that the Government is relying upon to say that AMB Galbraith must fill out a SF86? Thank you.

Best,
David

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US) [<mailto:ashden.fein.mil@mail.mil>]
Sent: Wednesday, April 24, 2013 7:35 PM
To: David E. Coombs
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); Hall, Cassius N CIV (US); Ganiel, Charles J CIV USARMY ATEC (US)
Subject: RE: Updates

David,

I agree that the current version of AR 380-67 does reflect what you have below; however that regulation applies in concert with the attached memorandum from HQDA that implements the USG wide requirements. In order for AMB Galbraith to have access he must fill out a SF86. Please consult with him and let us know if he will comply. There is nothing more we can do to streamline this process but for what we have already done by providing him points of contact, extending the window of time to fill out the SF86, and offering continued assistance over the past month. We are complying with the defense's request to grant him a clearance, but we need the information to continue moving forward.

Thank you.

v/r
Ashden

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Sent: Wednesday, April 24, 2013 4:12 PM
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Subject: RE: Updates
Importance: High

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Subject: RE: Updates

Ashden,

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<mailto:ashden.fein.mil@mail.mil>]

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Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)

Subject: Updates

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2. Although we are still processing the immunity requests IAW AR 27-10, we expect them to go to the CG no later than next week's appointment.

3. We do not oppose production of PFC BM's sister for sentencing.

v/r

Ashden

From: David E. Coombs
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); Hall, Cassius N CIV (US); Ganiel, Charles J CIV USARMY ATEC (US)
Subject: RE: Updates
Date: Tuesday, April 30, 2013 9:39:33 PM

Ashden,

I used Ms. Smith because she was listed as the POC for the memorandum that you sent to the Defense last week. I also tried calling Ms. Stokes, but the number that I found for her was disconnected.

Best,
David

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US) [<mailto:ashden.fein.mil@mail.mil>]
Sent: Tuesday, April 30, 2013 4:58 PM
To: David E. Coombs
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Subject: RE: Updates

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v/r
Ashden

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From: David E. Coombs [<mailto:coombs@armycourtmarshialdefense.com>]
Sent: Tuesday, April 30, 2013 11:01 AM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); Hall, Cassius N CIV (US); Ganiel, Charles J CIV USARMY ATEC (US)
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Subject: RE: Updates
Importance: High

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I left a message with Ms. Travers regarding the ability to grant an individual an interim clearance. Please look at paragraph 3-20 b(2)(a) of AR 380-67 and explain to me why you cannot use this provision to provide an interim clearance to AMB Galbraith. That section states:

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Again, I am hoping that common sense can prevail and we can resolve this issue between us.

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The Department of the Army and the Department of State are working to make this process as efficient as possible under each witnesses' personal circumstances and the rules, but Ambassador Galbraith must voluntarily comply with the minimum requirements, and we cannot force a witness to complete the requisite paperwork and submit to an investigation. We are standing by to continue assisting in expediting this process once he submits his information.

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Subject: RE: Updates

Importance: High

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I am hoping that we can resolve this issue between us as opposed to resorting to the need to file a motion with COL Lind for appropriate relief.

Can you let me know today if you will work with the Defense to get AMB Galbraith either an interim clearance or approval for limited access to the

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<<mailto:ashden.fein.mil@mail.mil>>]

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Subject: Re: Updates

David,

For stips- sounds good.

As for AMB Galbraith- unfortunately there is nothing else we can do for him without him voluntarily submitting to an investigation. Based on your request last session we worked with HQDA and DOS to find a work around.

Because he is an American citizen (vice being a dual citizen or foreign national that have different rules), the rules require him to have a clearance. This is also because of the amount of time between his last valid investigation and today, because the previous investigation is not valid.

He is being asked to follow the same procedures Col Davis just completed.

Overall an exception would make this much easier for all of us, but at this point we have no other method to obtain access for him.

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----- Original Message -----

From: David E. Coombs [<mailto:coombs@armycourtartialdefense.com>
<<mailto:coombs@armycourtartialdefense.com>>]

Sent: Tuesday, April 23, 2013 12:32 AM

To: Fein, Ashden MAJ USARMY MDW (US)

Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)

Subject: RE: Updates

Ashden,

Thank you for the update. We will get back to you by COB Wednesday on your list of witnesses. I anticipate us not having a problem with stipulating to around 90% of the witnesses listed subject to us working out the wording of the stipulation (as we did with Cindrich). With regards to Mr. Doe, we

will need to receive the responses to our interrogatories before we could agree to stipulate.

As an aside, and in the new spirit of cooperation, I am requesting that the Government approve limited access to classified information for the purposes of the court-martial for AMB Galbraith instead of a full security clearance.

I am confident that we can assist him in completing the Standard Form 85P, arrange to have his fingerprints taken, and sign the requisite agreements.

I am requesting authorization to show him only the charged cables in Specifications 13 and 14. Please let me know if the Government would be amenable to this solution and I will notify COL Lind of our joint work around of this issue.

Best,

David

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US) [<mailto:ashden.fein.mil@mail.mil>]
<<mailto:ashden.fein.mil@mail.mil>>]

Sent: Monday, April 22, 2013 7:37 PM

To: 'coombs@armycourt martialdefense.com'

Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joc) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)

Subject: Updates

David,

1. Attached is a list of witnesses to which we would be willing to stipulate. We will follow this up with a brief description of why the witness is being called if necessary; however, our actual witness list is a good starting point to understand each witness's significance. If there are witnesses listed that the defense is going to object to, please let us know so we will not focus on producing the summary of their testimony as the next step.

2. Although we are still processing the immunity requests IAW AR 27-10, we expect them to go to the CG no later than next week's appointment.

3. We do not oppose production of PFC BM's sister for sentencing.

v/r

Ashden

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To: "David E. Coombs"
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); Hall, Cassius N CIV (US); Ganiel, Charles J CIV USARMY ATEC (US); Clark, Derek D SGT USARMY USAMDW (US); Jorns, Claire V SGT USARMY (US); McLamb, Amber M SGT USARMY MDW (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Carskadon, Amy E CIV (US)
Bcc:
Subject: RE: Updates
Date: Tuesday, April 30, 2013 4:57:00 PM

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Sent: Tuesday, April 23, 2013 12:32 AM

To: Fein, Ashden MAJ USARMY MDW (US)

Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US);
Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY
USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY
(US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F
CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)

Subject: RE: Updates

Ashden,

Thank you for the update. We will get back to you by COB Wednesday on your list of witnesses. I anticipate us not having a problem with stipulating to around 90% of the witnesses listed subject to us working out the wording of

the stipulation (as we did with Cindrich). With regards to Mr. Doc, we

will need to receive the responses to our interrogatories before we could

agree to stipulate.

As an aside, and in the new spirit of cooperation, I am requesting that the Government approve limited access to classified information for the purposes of the court-martial for AMB Galbraith instead of a full security clearance.

I am confident that we can assist him in completing the Standard Form 85P, arrange to have his fingerprints taken, and sign the requisite agreements.

I am requesting authorization to show him only the charged cables in Specifications 13 and 14. Please let me know if the Government would be amenable to this solution and I will notify COL Lind of our joint work around of this issue.

Best,

David

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US) [<mailto:ashden.fein.mil@mail.mil>]
<<mailto:ashden.fein.mil@mail.mil>>]

Sent: Monday, April 22, 2013 7:37 PM

To: 'coombs@armycourt martialdefense.com'

Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US);
Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY
USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY
(US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F
CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)

Subject: Updates

David,

1. Attached is a list of witnesses to which we would be willing to stipulate. We will follow this up with a brief description of why the witness is being called if necessary; however, our actual witness list is a good starting point to understand each witness's significance. If there are witnesses listed that the defense is going to object to, please let us know so we will not focus on producing the summary of their testimony as the next step.

2. Although we are still processing the immunity requests IAW AR 27-10, we expect them to go to the CG no later than next week's appointment.

3. We do not oppose production of PFC BM's sister for sentencing.

v/r

Ashden

From: David F. Coombs
To: Fein, Ashden MAJ USARMY MDW (US); Tooman, Joshua J CPT USARMY (US); Hurley, Thomas F MAJ USARMY (US)
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Subject: RE: John Doe
Date: Tuesday, April 30, 2013 2:36:36 PM

Ashden,

Whichever is easier for the Government. Once we see the stipulation(s), if we have any issues, I will let you know. At this point, I do not anticipate any issues with either COA.

Best,
David

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US) [<mailto:ashden.fein.mil@mail.mil>]
Sent: Tuesday, April 30, 2013 11:21 AM
To: David E. Coombs; Tooman, Joshua J CPT USARMY (US); Hurley, Thomas F MAJ USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); Bennett, Jessica D SSG USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US)
Subject: RE: John Doe

David,

Thank you. For clarification, we are tracking 10 witnesses for us to authenticate the evidence related to John Doe. Does the defense agree to 10 individuals stip of expected testimony or rather I very simple stip of fact for information, such as a one pager stating on ____, UBL sent a ____ to ____ that said _____. On ____, ____ sent a ____ back to UBL that said ____ and included ____ as attachments, and were found in UBL's house in ____ (or words to that effect).

v/r
Ashden

-----Original Message-----

From: David E. Coombs [mailto:coombs@armycourtmartrialdefense.com]
Sent: Tuesday, April 30, 2013 10:51 AM
To: Fein, Ashden MAJ USARMY MDW (US); Tooman, Joshua J CPT USARMY (US); Hurley, Thomas F MAJ USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); Bennett, Jessica D SSG USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US)
Subject: John Doe

Ashden,

Based upon the responses provided by Mr. Doe, the Defense will agree to stipulate to his chain of custody testimony. Please add him to the list of stipulations that you are preparing. Let me know if you have any questions.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
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Bcc: Clark, Derek D SGT USARMY USAMDW (US); Jorns, Claire V SGT USARMY (US); McLamb, Amber M SGT USARMY MDW (US); Carskadon, Amy E CIV (US)
Subject: RE: John Doe
Date: Tuesday, April 30, 2013 11:20:00 AM

David,

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Ashden

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Subject: RE: Updates
Date: Tuesday, April 30, 2013 11:01:37 AM

Ashden,

I need a POC that you are relying upon. I want to speak to this person, and based upon their response, I will file a motion with this person listed as a witness in support of the motion. Please provide me with the contact information for the POC at G2 that you are relying upon for your interpretation on the required paperwork for Ambassador Galbraith. If you do not have a POC, please provide with an additional POC for Ms. Smith or for someone else in G2 that can testify for the benefit of the court. Thank you.

Best,
David

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US) [<mailto:ashden.fein.mil@mail.mil>]
Sent: Tuesday, April 30, 2013 10:55 AM
To: David E. Coombs
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); Hall, Cassius N CIV (US); Ganiel, Charles J CIV USARMY ATEC (US)
Subject: RE: Updates

David,

The questions you have asked are administrative in nature and we have provided the responses on behalf the Department of the Army and Department of State. At this point, please address any issues you have with the Court. The easiest and most efficient way to resolve this issue is for Ambassador Galbraith to fill out the required paperwork. We are standing by to assist Ambassador Galbraith with his clearance.

v/r
Ashden

-----Original Message-----

From: David E. Coombs [<mailto:coombs@armycourt martialdefense.com>]
Sent: Tuesday, April 30, 2013 10:47 AM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); Hall, Cassius N CIV

(US); Ganiel, Charles J CIV USARMY ATEC (US)

Subject: RE: Updates

Ashden,

I do not read the attachment as applying to AMB Galbraith. I tried contacting Ms. Smith to obtain further clarity, but she has not returned my calls. Can you please provide me with contact information for the G2 representative that the Government is relying upon to say that AMB Galbraith must fill out a SF86? Thank you.

Best,
David

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US) [mailto:ashden.fein.mil@mail.mil]

Sent: Wednesday, April 24, 2013 7:35 PM

To: David E. Coombs

Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); Hall, Cassius N CIV (US); Ganiel, Charles J CIV USARMY ATEC (US)
Subject: RE: Updates

David,

I agree that the current version of AR 380-67 does reflect what you have below; however that regulation applies in concert with the attached memorandum from HQDA that implements the USG wide requirements. In order for AMB Galbraith to have access he must fill out a SF86. Please consult with him and let us know if he will comply. There is nothing more we can do to streamline this process but for what we have already done by providing him points of contact, extending the window of time to fill out the SF86, and offering continued assistance over the past month. We are complying with the defense's request to grant him a clearance, but we need the information to continue moving forward.

Thank you.

v/r
Ashden

-----Original Message-----

From: David E. Coombs [mailto:coombs@armycourt martialdefense.com]

Sent: Wednesday, April 24, 2013 4:12 PM

To: Fein, Ashden MAJ USARMY MDW (US)

Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); Hall, Cassius N CIV (US); Ganiel, Charles J CIV USARMY ATEC (US)

Subject: RE: Updates

Importance: High

Ashden,

I left a message with Ms. Travers regarding the ability to grant an individual an interim clearance. Please look at paragraph 3-20 b(2)(a) of AR 380-67 and explain to me why you cannot use this provision to provide an interim clearance to AMB Galbraith. That section states:

(2) Interim Clearance

(a) When a valid need to access SECRET information is established, an interim SECRET clearance may be issued for 180 days in the name of the CDR, CCF, in every case, provided that a DA Form 5247-R has been submitted to CCF, and the steps outlined in Paragraphs (b) through (c), below, have been complied with.

(b) Favorable review of DD form 398-2/SF 85/OF 612/DD Form 48.

(c) NACI, DNACI, OR ENTNAC initiated.

(d) Favorable review of local personnel, post military police, medical, and other security records as appropriate.

(e) NAC or ENTNAC completed or, in an emergency, provisions of paragraph 3-10 have been complied with regarding civilian personnel.

Again, I am hoping that common sense can prevail and we can resolve this issue between us.

Best,

David

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US) [mailto:ashden.fein.mil@mail.mil]

Sent: Wednesday, April 24, 2013 2:53 PM

To: David E. Coombs
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US);
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(US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F
CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: RE: Updates

David,

AR 380-67 lays out the requirements, which include filling out an SF86 and submitting to a background check, even for an interim clearance. This is the required process for all United States citizens. Almost all individuals involved in this case have been granted access based on interim clearances, including your original SCI clearance and, most recently, Col Davis's clearance last week. I spoke with Ms. Travers who confirmed that an American citizen must submit "the proper paperwork," which includes an SF-86 to be granted an interim clearance. Ms. Travers also mentioned that since Ambassador Galbraith is refusing to complete the proper paperwork or cooperate with security processing, this refusal is grounds for an unfavorable clearance action in the future.

The Department of the Army and the Department of State are working to make this process as efficient as possible under each witnesses' personal circumstances and the rules, but Ambassador Galbraith must voluntarily comply with the minimum requirements, and we cannot force a witness to complete the requisite paperwork and submit to an investigation. We are standing by to continue assisting in expediting this process once he submits his information.

v/r

Ashden

-----Original Message-----

From: David E. Coombs [<mailto:coombs@armycourtartialdefense.com>
<<mailto:coombs@armycourtartialdefense.com>>]

Sent: Wednesday, April 24, 2013 9:26 AM

To: Fein, Ashden MAJ USARMY MDW (US)

Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US);
Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY
USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY
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CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)

Subject: RE: Updates

Importance: High

Ashden,

I asked my security experts whether there was any restriction on granting an interim clearance for AMB Galbraith. They routed the request to the Security Specialist at ATEC, Ms. Holly Travers. Ms. Travers indicated that an interim clearance could be granted to AMB Galbraith provided that the proper paperwork was filled out and that no derogatory information was found. I would like for us to do this in order to ensure that his testimony

is not arbitrarily limited during sentencing.

I am hoping that we can resolve this issue between us as opposed to resorting to the need to file a motion with COL Lind for appropriate relief.

Can you let me know today if you will work with the Defense to get AMB Galbraith either an interim clearance or approval for limited access to the charged information for the purposes of the court-martial? If not, can you provide the authority that you are relying upon to deny the request? Thank you.

Best,

David

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US) [<mailto:ashden.fein.mil@mail.mil>]
<<mailto:ashden.fein.mil@mail.mil>>]

Sent: Tuesday, April 23, 2013 7:17 AM

To: 'coombs@armycourtartialdefense.com'

Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)

Subject: Re: Updates

David,

For stips- sounds good.

As for AMB Galbraith- unfortunately there is nothing else we can do for him without him voluntarily submitting to an investigation. Based on your request last session we worked with HQDA and DOS to find a work around.

Because he is an American citizen (vice being a dual citizen or foreign national that have different rules), the rules require him to have a clearance. This is also because of the amount of time between his last valid investigation and today, because the previous investigation is not valid.

He is being asked to follow the same procedures Col Davis just completed.

Overall an exception would make this much easier for all of us, but at this point we have no other method to obtain access for him.

V/r

Ashden

----- Original Message -----

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<<mailto:coombs@armycourtartialdefense.com>>]

Sent: Tuesday, April 23, 2013 12:32 AM

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Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)

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Bcc:
Subject: RE: Updates
Date: Tuesday, April 30, 2013 10:54:00 AM

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Thank you.

v/r
Ashden

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Sent: Wednesday, April 24, 2013 4:12 PM
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Subject: RE: Updates
Importance: High

Ashden,

I left a message with Ms. Travers regarding the ability to grant an individual an interim clearance. Please look at paragraph 3-20 b(2)(a) of AR 380-67 and explain to me why you cannot use this provision to provide an interim clearance to AMB Galbraith. That section states:

(2) Interim Clearance

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(b) Favorable review of DD form 398-2/SF 85/OF 612/DD Form 48.

(c) NACI, DNACI, OR ENTNAC initiated.

(d) Favorable review of local personnel, post military police, medical, and other security records as appropriate.

(e) NAC or ENTNAC completed or, in an emergency, provisions of paragraph 3-10 have been complied with regarding civilian personnel.

Again, I am hoping that common sense can prevail and we can resolve this issue between us.

Best,

David

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US) [mailto:ashden.fein.mil@mail.mil]

Sent: Wednesday, April 24, 2013 2:53 PM

To: David E. Coombs

Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: RE: Updates

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AR 380-67 lays out the requirements, which include filling out an SF86 and submitting to a background check, even for an interim clearance. This is the required process for all United States citizens. Almost all individuals involved in this case have been granted access based on interim clearances, including your original SCI clearance and, most recently, Col Davis's clearance last week. I spoke with Ms. Travers who confirmed that an American citizen must submit "the proper paperwork," which includes an SF-86 to be granted an interim clearance. Ms. Travers also mentioned that since Ambassador Galbraith is refusing to complete the proper paperwork or cooperate with security processing, this refusal is grounds for an unfavorable clearance action in the future.

The Department of the Army and the Department of State are working to make this process as efficient as possible under each witnesses' personal circumstances and the rules, but Ambassador Galbraith must voluntarily comply with the minimum requirements, and we cannot force a witness to complete the requisite paperwork and submit to an investigation. We are standing by to continue assisting in expediting this process once he submits his information.

v/r

Ashden

-----Original Message-----

From: David E. Coombs [<mailto:coombs@armycourtartialdefense.com>
<<mailto:coombs@armycourtartialdefense.com>>]

Sent: Wednesday, April 24, 2013 9:26 AM

To: Fein, Ashden MAJ USARMY MDW (US)

Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)

Subject: RE: Updates

Importance: High

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I asked my security experts whether there was any restriction on granting an interim clearance for AMB Galbraith. They routed the request to the Security Specialist at ATEC, Ms. Holly Travers. Ms. Travers indicated that an interim clearance could be granted to AMB Galbraith provided that the proper paperwork was filled out and that no derogatory information was found. I would like for us to do this in order to ensure that his testimony

is not arbitrarily limited during sentencing.

I am hoping that we can resolve this issue between us as opposed to resorting to the need to file a motion with COL Lind for appropriate relief.

Can you let me know today if you will work with the Defense to get AMB

Galbraith either an interim clearance or approval for limited access to the charged information for the purposes of the court-martial? If not, can you provide the authority that you are relying upon to deny the request? Thank you.

Best,

David

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US) [<mailto:ashden.fein.mil@mail.mil>]
<<mailto:ashden.fein.mil@mail.mil>>]

Sent: Tuesday, April 23, 2013 7:17 AM

To: 'coombs@armycourt martialdefense.com'

Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)

Subject: Re: Updates

David,

For stips- sounds good.

As for AMB Galbraith- unfortunately there is nothing else we can do for him without him voluntarily submitting to an investigation. Based on your request last session we worked with HQDA and DOS to find a work around.

Because he is an American citizen (vice being a dual citizen or foreign national that have different rules), the rules require him to have a clearance. This is also because of the amount of time between his last valid investigation and today, because the previous investigation is not valid.

He is being asked to follow the same procedures Col Davis just completed.

Overall an exception would make this much easier for all of us, but at this point we have no other method to obtain access for him.

V/r

Ashden

----- Original Message -----

From: David E. Coombs [mailto:coombs@armycourtartialdefense.com
<mailto:coombs@armycourtartialdefncse.com>]

Sent: Tuesday, April 23, 2013 12:32 AM

To: Fein, Ashden MAJ USARMY MDW (US)

Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)

Subject: RE: Updates

Ashden,

Thank you for the update. We will get back to you by COB Wednesday on your list of witnesses. I anticipate us not having a problem with stipulating to around 90% of the witnesses listed subject to us working out the wording of the stipulation (as we did with Cindrich). With regards to Mr. Doe, we will need to receive the responses to our interrogatories before we could agree to stipulate.

As an aside, and in the new spirit of cooperation, I am requesting that the Government approve limited access to classified information for the purposes of the court-martial for AMB Galbraith instead of a full security clearance.

I am confident that we can assist him in completing the Standard Form 85P, arrange to have his fingerprints taken, and sign the requisite agreements.

I am requesting authorization to show him only the charged cables in Specifications 13 and 14. Please let me know if the Government would be amenable to this solution and I will notify COL Lind of our joint work around of this issue.

Best,

David

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US) [<mailto:ashden.fein.mil@mail.mil>]
<<mailto:ashden.fein.mil@mail.mil>>]

Sent: Monday, April 22, 2013 7:37 PM

To: 'coombs@armycourtartialdefense.com'

Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US);
Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY
USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY
(US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F
CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)

Subject: Updates

David,

1. Attached is a list of witnesses to which we would be willing to stipulate. We will follow this up with a brief description of why the witness is being called if necessary; however, our actual witness list is a good starting point to understand each witness's significance. If there are witnesses listed that the defense is going to object to, please let us know so we will not focus on producing the summary of their testimony as the next step.
2. Although we are still processing the immunity requests IAW AR 27-10, we expect them to go to the CG no later than next week's appointment.
3. We do not oppose production of PFC BM's sister for sentencing.

v/r

Ashden

From: David E. Coombs
To: Foin, Ashden MAJ USARMY MDW (US); Tooman, Joshua J CPT USARMY (US); Hurley, Thomas F MAJ USARMY (US)
Cc: Morrow, JoDean (Joc) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elkon, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); Bennett, Jessica D SSG USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US)
Subject: John Doe
Date: Tuesday, April 30, 2013 10:52:22 AM

Ashden,

Based upon the responses provided by Mr. Doe, the Defense will agree to stipulate to his chain of custody testimony. Please add him to the list of stipulations that you are preparing. Let me know if you have any questions.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
coombs@armycourt martialdefense.com
www.armycourt martialdefense.com

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Subject: RE: Updates
Date: Tuesday, April 30, 2013 10:48:13 AM

Ashden,

I do not read the attachment as applying to AMB Galbraith. I tried contacting Ms. Smith to obtain further clarity, but she has not returned my calls. Can you please provide me with contact information for the G2 representative that the Government is relying upon to say that AMB Galbraith must fill out a SF86? Thank you.

Best,
David

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US) [mailto:ashden.fein.mil@mail.mil]
Sent: Wednesday, April 24, 2013 7:35 PM
To: David E. Coombs
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); Hall, Cassius N CIV (US); Ganiel, Charles J CIV USARMY ATEC (US)
Subject: RE: Updates

David,

I agree that the current version of AR 380-67 does reflect what you have below; however that regulation applies in concert with the attached memorandum from HQDA that implements the USG wide requirements. In order for AMB Galbraith to have access he must fill out a SF86. Please consult with him and let us know if he will comply. There is nothing more we can do to streamline this process but for what we have already done by providing him points of contact, extending the window of time to fill out the SF86, and offering continued assistance over the past month. We are complying with the defense's request to grant him a clearance, but we need the information to continue moving forward.

Thank you.

v/r
Ashden

-----Original Message-----

From: David E. Coombs [mailto:coombs@armycourt martialdefense.com]
Sent: Wednesday, April 24, 2013 4:12 PM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY

USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); Hall, Cassius N CIV (US); Ganiel, Charles J CIV USARMY ATEC (US)
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Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)

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3. We do not oppose production of PFC BM's sister for sentencing.

v/r

Ashden

From: Fein, Ashden MAJ USARMY MDW (US)
To: Tooman, Joshua J CPT USARMY (US): "coombs@armycourtmarshialdefense.com"; Hurley, Thomas E MAJ USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); Bennett, Jessica D SSG USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US)
Bcc: Clark, Derek D SGT USARMY USAMDW (US); Jorns, Claire V SGT USARMY (US); McLamb, Amber M SGT USARMY MDW (US); Carskadon, Amy E CIV (US)
Subject: Courier Card
Date: Friday, April 26, 2013 3:41:00 PM
Attachments: 130426-GCMCA Courier Card Approval.pdf

Defense,

1. Attached is the approved Courier Card request for SSG Bennett. Chief Parra will coordinate with the Fort Meade security office to issue her a the appropriate courier card.
2. We have the CG actions prepped for the immunity requests but are waiting on final clearance under AR 27-10. I expect the final concurrence and action to be complete NLT 7 May 2013.

v/r
MAJ Fein

From: Tooman, Joshua J CPT USARMY (US)
To: Parra, Jairo A (JP) CW2 USARMY USAMDW (US)
Cc: "coombs@armycourt martialdefense.com"; Hurley, Thomas F MAJ USARMY (US); Bennett, Jessica D SSG USARMY (US); Fein, Ashden MAJ USARMY MDW (US)
Subject: RE: SSG Bennett (UNCLASSIFIED)
Date: Thursday, April 25, 2013 10:12:12 AM
Attachments: Bennett Courier.pdf

Classification: UNCLASSIFIED

Caveats: NONE

JP

See attached. Thanks for your help.

V/R

Joshua J. Tooman
CPT, JA
Trial Defense Counsel
9990 Belvoir Drive
Fort Belvoir, VA 22060
Tel: (703) 805-4383
Fax: (703) 805-4413
joshua.tooman@us.army.mil

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-----Original Message-----

From: Parra, Jairo A (JP) CW2 USARMY USAMDW (US)
Sent: Thursday, April 25, 2013 8:09 AM
To: Tooman, Joshua J CPT USARMY (US)
Cc: "coombs@armycourt martialdefense.com"; Hurley, Thomas F MAJ USARMY (US); Bennett, Jessica D SSG USARMY (US); Fein, Ashden MAJ USARMY MDW (US)
Subject: RE: SSG Bennett (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Sir,

Can you please submit a request for the GCMCA's approval to grant SSG Bennett the ability to courier classified material? Thank you!

v/r,

JP

Jairo A. Parra
CW2, JA
Legal Administrator
JFHQ-NCR, MDW
jairo.a.parra.mil@mail.mil
jairo.parra@us.army.mil
jairo.parra@jfhqncr.northcom.smil.mil
(202) 685-1975 - Direct
(571) 249-9697 - Blackberry
(931) 572-7632 - Cell

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-----Original Message-----

From: Tooman, Joshua J CPT USARMY (US)
Sent: Tuesday, April 23, 2013 3:10 PM
To: Parra, Jairo A (JP) CW2 USARMY USAMDW (US)
Cc: 'coombs@armycourtmarshaldefense.com'; Hurley, Thomas F MAJ USARMY (US); Bennett, Jessica D SSG USARMY (US); Fein, Ashden MAJ USARMY MDW (US)
Subject: SSG Bennett (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Chief Parra

Can you arrange to get SSG Bennett 1) a courier card and 2) a badge for the courtroom?

Thanks,

Joshua J. Tooman
CPT, JA
Trial Defense Counsel
9990 Belvoir Drive
Fort Belvoir, VA 22060
Tel: (703) 805-4383
Fax: (703) 805-4413
joshua.tooman@us.army.mil

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or agency not entitled to receive it, is or may be prohibited by the Privacy Act, 5 U.S.C. §552a. Improper disclosure of protected information could result in civil action or criminal prosecution.

Classification: UNCLASSIFIED

Caveats: NONE

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Caveats: NONE

Classification: UNCLASSIFIED

Caveats: NONE

From: Fein, Ashden MAJ USARMY MDW (US)
To: Hurley, Thomas F MAJ USARMY (US)
Subject: Re: Classified Filing
Date: Thursday, April 25, 2013 9:53:47 AM

I will be here. Please call when you get to mcnair and I will meet you.

From: Hurley, Thomas F MAJ USARMY (US)
Sent: Thursday, April 25, 2013 01:07 PM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Subject: Classified Filing

Government,

You guys going to be around later this morning to take this filing?

Thanks.

v/r

tfh

From: Hurley, Thomas F MAJ USARMY (US)
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Subject: Classified Filing
Date: Thursday, April 25, 2013 9:07:50 AM

Government,

You guys going to be around later this morning to take this filing?

Thanks.

v/r

tjh

From: Fein, Ashden MAJ USARMY MDW (US)
To: "David E. Coombs"
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); Overgaard, Angel M CPT USARMY (US)
Bcc: Clark, Derek D SGT USARMY USAMDW (US); Jorns, Claire V SGT USARMY (US); McLamb, Amber M SGT USARMY MDW (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Carskadon, Amy E CIV (US)
Subject: RE: PFC BM
Date: Thursday, April 25, 2013 8:06:00 AM

David,

This is scheduled.

v/r
Ashden

-----Original Message-----

From: David E. Coombs [<mailto:coombs@armycourtmarialdefense.com>]
Sent: Wednesday, April 24, 2013 8:58 AM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); Overgaard, Angel M CPT USARMY (US)
Subject: PFC BM

Ashden,

Can you please have my client brought to the Fort Meade TDS office on 6 May at 1300? Thank you.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
coombs@armycourtmarialdefense.com
www.armycourtmarialdefense.com

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From: Fein, Ashden MAJ USARMY MDW (US)
To: "David E. Coombs"
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Subject: RE: Updates
Date: Wednesday, April 24, 2013 7:37:00 PM

David,

Thank you. We will start working on the first round of stipulations.

v/r
Ashden

-----Original Message-----

From: David E. Coombs [<mailto:coombs@armycourt martialdefense.com>]
Sent: Wednesday, April 24, 2013 4:34 PM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
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After reviewing your list, we believe that we will be able reach a stipulation on most of the witnesses. I recommend that the Government draft the initial version of the stipulations, and then send them to us for verification and review as you complete them. We will use track changes to make any additions based upon our interview of the witness. If we have any disputes regarding what a witness would or would not say, we can arrange for a conference call with the witness to hammer out the discrepancy.

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- 2) CPT Matthew Freeburg
- 3) Mr. Adrian Lamo
- 4) SPC Kyra Marshall/Amos

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- 2) Mr. Jeffery Motes (we will, however, stipulate to his merits testimony)

Finally, the Defense may stipulate to Mr. John Doe after we receive a response to our interrogatories.

Let me know if you have any questions.

Best,

David

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Subject: Updates

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1. Attached is a list of witnesses to which we would be willing to stipulate. We will follow this up with a brief description of why the witness is being called if necessary; however, our actual witness list is a good starting point to understand each witness's significance. If there are witnesses listed that the defense is going to object to, please let us know so we will not focus on producing the summary of their testimony as the next step.
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- 3 We do not oppose production of PFC BM's sister for sentencing.

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Ashden

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Bcc: Clark, Derek D SGT USARMY USAMDW (US); Johns, Claire V SGT USARMY (US); McLamb, Amber M SGT USARMY MDW (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Carskadon, Amy F CIV (US)
Subject: RE: Updates
Date: Wednesday, April 24, 2013 7:34:00 PM
Attachments: Background Investigations 08 Mar 11.pdf

David,

I agree that the current version of AR 380-67 does reflect what you have below; however that regulation applies in concert with the attached memorandum from HQDA that implements the USG wide requirements. In order for AMB Galbraith to have access he must fill out a SF86. Please consult with him and let us know if he will comply. There is nothing more we can do to streamline this process but for what we have already done by providing him points of contact, extending the window of time to fill out the SF86, and offering continued assistance over the past month. We are complying with the defense's request to grant him a clearance, but we need the information to continue moving forward.

Thank you.

v/r
Ashden

-----Original Message-----

From: David E. Coombs [mailto:coombs@armycourt martialdefense.com]
Sent: Wednesday, April 24, 2013 4:12 PM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alecc) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); Hall, Cassius N CIV (US); Ganiel, Charles J CIV USARMY ATEC (US)
Subject: RE: Updates
Importance: High

Ashden,

I left a message with Ms. Travers regarding the ability to grant an individual an interim clearance. Please look at paragraph 3-20 b(2)(a) of AR 380-67 and explain to me why you cannot use this provision to provide an interim clearance to AMB Galbraith. That section states:

(2) Interim Clearance

(a) When a valid need to access SECRET information is established, an interim SECRET clearance may be issued for 180 days in the name of the CDR, CCF, in every case, provided that a DA Form 5247-R has been submitted to CCF, and the steps outlined in Paragraphs (b) through (e), below, have been complied with.

(b) Favorable review of DD form 398-2/SF 85/OF 612/DD Form 48.

(c) NACI, DNACI, OR ENTNAC initiated.

(d) Favorable review of local personnel, post military police, medical, and other security records as appropriate.

(e) NAC or ENTNAC completed or, in an emergency, provisions of paragraph 3-10 have been complied with regarding civilian personnel.

Again, I am hoping that common sense can prevail and we can resolve this issue between us.

Best,

David

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US) [mailto:ashden.fein.mil@mail.mil]

Sent: Wednesday, April 24, 2013 2:53 PM

To: David E. Coombs

Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessice D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)

Subject: RE: Updates

David,

AR 380-67 lays out the requirements, which include filling out an SF86 and submitting to a background check, even for an interim clearance. This is the required process for all United States citizens. Almost all individuals involved in this case have been granted access based on interim clearances, including your original SCI clearance and, most recently, Col Davis's clearance last week. I spoke with Ms. Travers who confirmed that an American citizen must submit "the proper paperwork," which includes an SF-86 to be granted an interim clearance. Ms. Travers also mentioned that since Ambassador Galbraith is refusing to complete the proper paperwork or cooperate with security processing, this refusal is grounds for an unfavorable clearance action in the future.

The Department of the Army and the Department of State are working to make this process as efficient as possible under each witnesses' personal circumstances and the rules, but Ambassador Galbraith must voluntarily comply with the minimum requirements, and we cannot force a witness to complete the requisite paperwork and submit to an investigation. We are standing by to continue assisting in expediting this process once he submits his information.

v/r

Ashden

-----Original Message-----

From: David E. Coombs [<mailto:coombs@armycourt martialdefense.com>]
<<mailto:coombs@armycourt martialdefense.com>>]

Sent: Wednesday, April 24, 2013 9:26 AM

To: Fein, Ashden MAJ USARMY MDW (US)

Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)

Subject: RE: Updates

Importance: High

Ashden,

I asked my security experts whether there was any restriction on granting an interim clearance for AMB Galbraith. They routed the request to the Security Specialist at ATEC, Ms. Holly Travers. Ms. Travers indicated that an interim clearance could be granted to AMB Galbraith provided that the proper paperwork was filled out and that no derogatory information was found. I would like for us to do this in order to ensure that his testimony

is not arbitrarily limited during sentencing.

I am hoping that we can resolve this issue between us as opposed to resorting to the need to file a motion with COL Lind for appropriate relief.

Can you let me know today if you will work with the Defense to get AMB Galbraith either an interim clearance or approval for limited access to the

charged information for the purposes of the court-martial? If not, can you

provide the authority that you are relying upon to deny the request? Thank you.

Best,

David

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US) [<mailto:ashden.fein.mil@mail.mil>]
<<mailto:ashden.fein.mil@mail.mil>>]

Sent: Tuesday, April 23, 2013 7:17 AM

To: 'coombs@armycourtartialdefense.com'

Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessie D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)

Subject: Re: Updates

David,

For stips- sounds good.

As for AMB Galbraith- unfortunately there is nothing else we can do for him without him voluntarily submitting to an investigation. Based on your request last session we worked with HQDA and DOS to find a work around.

Because he is an American citizen (vice being a dual citizen or foreign national that have different rules), the rules require him to have a clearance. This is also because of the amount of time between his last valid investigation and today, because the previous investigation is not valid.

He is being asked to follow the same procedures Col Davis just completed.

Overall an exception would make this much easier for all of us, but at this point we have no other method to obtain access for him.

V/r

Ashden

----- Original Message -----

From: David E. Coombs [<mailto:coombs@armycourtartialdefense.com>
<<mailto:coombs@armycourtartialdefense.com>>]

Sent: Tuesday, April 23, 2013 12:32 AM

To: Fein, Ashden MAJ USARMY MDW (US)

Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)

Subject: RE: Updates

Ashden,

Thank you for the update. We will get back to you by COB Wednesday on your list of witnesses. I anticipate us not having a problem with stipulating to around 90% of the witnesses listed subject to us working out the wording of

the stipulation (as we did with Cindrich). With regards to Mr. Doe, we

will need to receive the responses to our interrogatories before we could

agree to stipulate.

As an aside, and in the new spirit of cooperation, I am requesting that the Government approve limited access to classified information for the purposes of the court-martial for AMB Galbraith instead of a full security clearance.

I am confident that we can assist him in completing the Standard Form 85P, arrange to have his fingerprints taken, and sign the requisite agreements.

I am requesting authorization to show him only the charged cables in Specifications 13 and 14. Please let me know if the Government would be amenable to this solution and I will notify COL Lind of our joint work around of this issue.

Best,

David

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US) [<mailto:ashden.fein.mil@mail.mil>
<<mailto:ashden.fein.mil@mail.mil>>]

Sent: Monday, April 22, 2013 7:37 PM

To: 'coombs@armycourtartialdefense.com'

Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessice D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)

Subject: Updates

David,

1. Attached is a list of witnesses to which we would be willing to stipulate. We will follow this up with a brief description of why the witness is being called if necessary; however, our actual witness list is a good starting point to understand each witness's significance. If there are witnesses listed that the defense is going to object to, please let us know so we will not focus on producing the summary of their testimony as the next step.

2. Although we are still processing the immunity requests IAW AR 27-10, we expect them to go to the CG no later than next week's appointment.

3. We do not oppose production of PFC BM's sister for sentencing.

v/r

Ashden

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Subject: RE: Updates
Date: Wednesday, April 24, 2013 4:34:58 PM

Ashden,

After reviewing your list, we believe that we will be able reach a stipulation on most of the witnesses. I recommend that the Government draft the initial version of the stipulations, and then send them to us for verification and review as you complete them. We will use track changes to make any additions based upon our interview of the witness. If we have any disputes regarding what a witness would or would not say, we can arrange for a conference call with the witness to hammer out the discrepancy.

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Subject: RE: Updates
Date: Wednesday, April 24, 2013 4:12:56 PM
Importance: High

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Best,

David

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US) [<mailto:ashden.fein.mil@mail.mil>]
<<mailto:ashden.fein.mil@mail.mil>>]

Sent: Monday, April 22, 2013 7:37 PM

To: 'coombs@armycourt martialdefense.com'

Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)

Subject: Updates

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Ashden

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Subject: RE: Updates
Date: Wednesday, April 24, 2013 2:53:00 PM

David,

AR 380-67 lays out the requirements, which include filling out an SF86 and submitting to a background check, even for an interim clearance. This is the required process for all United States citizens. Almost all individuals involved in this case have been granted access based on interim clearances, including your original SCI clearance and, most recently, Col Davis's clearance last week. I spoke with Ms. Travers who confirmed that an American citizen must submit "the proper paperwork," which includes an SF-86 to be granted an interim clearance. Ms. Travers also mentioned that since Ambassador Galbraith is refusing to complete the proper paperwork or cooperate with security processing, this refusal is grounds for an unfavorable clearance action in the future.

The Department of the Army and the Department of State are working to make this process as efficient as possible under each witnesses' personal circumstances and the rules, but Ambassador Galbraith must voluntarily comply with the minimum requirements, and we cannot force a witness to complete the requisite paperwork and submit to an investigation. We are standing by to continue assisting in expediting this process once he submits his information.

v/r
Ashden

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From: David E. Coombs [<mailto:coombs@armycourt martialdefense.com>]
Sent: Wednesday, April 24, 2013 9:26 AM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: RE: Updates
Importance: High

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provide the authority that you are relying upon to deny the request? Thank you.

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v/r
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From: Fein, Ashden MAJ USARMY MDW (US)
To: Ganiel, Charles J CIV USARMY ATEC (US); Tooman, Joshua J CPT USARMY (US)
Subject: RE: Personnel Security Question (UNCLASSIFIED)
Date: Wednesday, April 24, 2013 10:18:00 AM

Thank you.

-----Original Message-----

From: Ganiel, Charles J CIV USARMY ATEC (US)
Sent: Wednesday, April 24, 2013 10:12 AM
To: Fein, Ashden MAJ USARMY MDW (US); Tooman, Joshua J CPT USARMY (US)
Subject: Personnel Security Question (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

MAJ Fein/CPT Tooman,

I just want to clarify that the response provided by Ms Travers was based solely on her knowledge of the personnel security clearance process.

The official response needs to come from HQDA.

If you need anything else, please let me know.

Thanks!

Respectfully,

Charles J. Ganiel

Command Special Security Officer

HQ Army Test and Evaluation Command

Aberdeen Proving Ground, MD 21901

(443) 861-9673

Classification: UNCLASSIFIED

Caveats: NONE

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To: Fein, Ashden MAJ USARMY MDW (US); Tooman, Joshua J CPT USARMY (US)
Subject: Personnel Security Question (UNCLASSIFIED)
Date: Wednesday, April 24, 2013 10:12:09 AM

Classification: UNCLASSIFIED

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Subject: RE: Updates
Date: Wednesday, April 24, 2013 9:46:00 AM

David,

I will be able to get back to you on this issue later this morning. I was out of the office yesterday and catching up on the substantive issues from yesterday.

v/r
Ashden

-----Original Message-----

From: David E. Coombs [mailto:coombs@armycourt martialdefense.com]
Sent: Wednesday, April 24, 2013 9:26 AM
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Subject: RE: PFC BM
Date: Wednesday, April 24, 2013 9:35:00 AM

David,

We will start working on this.

v/r
Ashden

-----Original Message-----

From: David E. Coombs [mailto:coombs@armycourtartialdefense.com]
Sent: Wednesday, April 24, 2013 8:58 AM
To: Fein, Ashden MAJ USARMY MDW (US)
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Subject: PFC BM

Ashden,

Can you please have my client brought to the Fort Meade TDS office on 6 May at 1300? Thank you.

Best,
David

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Law Office of David E. Coombs
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Toll Free: 1-800-588-4156
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Date: Wednesday, April 24, 2013 9:26:14 AM
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Subject: PFC BM
Date: Wednesday, April 24, 2013 8:58:08 AM

Ashden,

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Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
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Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.

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To: Overgaard, Angel M CPT USARMY (US); Fein, Ashden MAJ USARMY MDW (US);
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Subject: RE: Updates (UNCLASSIFIED)
Date: Tuesday, April 23, 2013 5:35:47 PM

Classification: UNCLASSIFIED

Caveats: NONE

Thanks, Angel.

Joshua J. Tooman
CPT, JA
Trial Defense Counsel
9990 Belvoir Drive
Fort Belvoir, VA 22060
Tel: (703) 805-4383
Fax: (703) 805-4413
joshua.tooman@us.army.mil

This communication may be privileged as attorney work product and/or attorney-client communication or may be protected by another privilege recognized under the law. Do not distribute, forward, or release without the prior approval of the sender. In addition, this communication may contain individually identifiable information the disclosure of which, to any person or agency not entitled to receive it, is or may be prohibited by the Privacy Act, 5 U.S.C. §552a. Improper disclosure of protected information could result in civil action or criminal prosecution.

-----Original Message-----

From: Overgaard, Angel M CPT USARMY (US)
Sent: Tuesday, April 23, 2013 5:33 PM
To: Tooman, Joshua J CPT USARMY (US); Fein, Ashden MAJ USARMY MDW (US);
"coombs@armycourt martialdefense.com";
Cc: Hurley, Thomas F MAJ USARMY (US); Bennett, Jessica D SSG USARMY (US);
Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Whyte, J Hunter CPT USARMY
(US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F
CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: RE: Updates (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Josh,

We are still planning on calling all the witnesses on our most recent witness list (#4, dated 31 Jan 13), with one exception--Mr. Randy Marks. Since he retired out of state without convenient access to a secure location to coordinate for the necessary classified discussions, Mr. Buchanan (#17) will cover all topics contemplated for Mr. Marks' testimony. Thanks!

VR

Angel

ANGEL M. OVERGAARD
CPT, JA
Trial Counsel, MDW
Fort McNair, DC
(202) 685-2051/1975

-----Original Message-----

From: Tooman, Joshua J CPT USARMY (US)
Sent: Tuesday, April 23, 2013 10:54 AM
To: Fein, Ashden MAJ USARMY MDW (US); 'coombs@armycourt martialdefense.com'
Cc: Hurley, Thomas F MAJ USARMY (US); Bennett, Jessica D SSG USARMY (US);
Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT
USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec)
CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2
USARMY (US)
Subject: RE: Updates (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Sir

Could you send over a list of witnesses you all plan to call in the event there are no stipulations? Just a list of names like you sent last night would be helpful. We would like to ensure we are all on the same page as process the proposed stipulation list you sent last night. For example, you all have indicated you would be willing to stip to Mark Kitz, however I do not see him on the most recent witness list.

V/R
Josh

Joshua J. Tooman
CPT, JA
Trial Defense Counsel
9990 Belvoir Drive
Fort Belvoir, VA 22060
Tel: (703) 805-4383
Fax: (703) 805-4413
joshua.tooman@us.army.mil

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-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Monday, April 22, 2013 7:37 PM

To: 'coombs@armycourtartialdefense.com'

Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: Updates

David,

1. Attached is a list of witnesses to which we would be willing to stipulate. We will follow this up with a brief description of why the witness is being called if necessary; however, our actual witness list is a good starting point to understand each witness's significance. If there are witnesses listed that the defense is going to object to, please let us know so we will not focus on producing the summary of their testimony as the next step.
2. Although we are still processing the immunity requests IAW AR 27-10, we expect them to go to the CG no later than next week's appointment.
3. We do not oppose production of PFC BM's sister for sentencing.

v/r
Ashden

Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

From: Tooman, Joshua J CPT USARMY (US)
To: Parra, Jairo A (JP) CW2 USARMY USAMDW (US)
Cc: "coombs@armycourtmarshaldefense.com"; Hurley, Thomas F MAJ USARMY (US); Bennett, Jessica D SSG USARMY (US); Fein, Ashdon MAJ USARMY MDW (US)
Subject: SSG Bennett (UNCLASSIFIED)
Date: Tuesday, April 23, 2013 3:10:03 PM

Classification: UNCLASSIFIED

Caveats: NONE

Chief Parra

Can you arrange to get SSG Bennett 1) a courier card and 2) a badge for the courtroom?

Thanks,

Joshua J. Tooman
CPT, JA
Trial Defense Counsel
9990 Belvoir Drive
Fort Belvoir, VA 22060
Tel: (703) 805-4383
Fax: (703) 805-4413
joshua.tooman@us.army.mil

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Classification: UNCLASSIFIED

Caveats: NONE

From: Tooman, Joshua J CPT USARMY (US)
To: Fein, Ashden MAJ USARMY MDW (US); "coombs@armycourt martialdefense.com"
Cc: Hurley, Thomas F MAJ USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: RE: Updates (UNCLASSIFIED)
Date: Tuesday, April 23, 2013 10:53:41 AM

Classification: UNCLASSIFIED
Caveats: NONE

Sir

Could you send over a list of witnesses you all plan to call in the event there are no stipulations? Just a list of names like you sent last night would be helpful. We would like to ensure we are all on the same page as process the proposed stipulation list you sent last night. For example, you all have indicated you would be willing to stip to Mark Kitz, however I do not see him on the most recent witness list.

V/R
Josh

Joshua J. Tooman
CPT, JA
Trial Defense Counsel
9990 Belvoir Drive
Fort Belvoir, VA 22060
Tel: (703) 805-4383
Fax: (703) 805-4413
joshua.tooman@us.army.mil

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-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Monday, April 22, 2013 7:37 PM
To: 'coombs@armycourt martialdefense.com'
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: Updates

David,

1. Attached is a list of witnesses to which we would be willing to stipulate. We will follow this up with a brief description of why the witness is being called if necessary; however, our actual witness list is a good starting point to understand each witness's significance. If there are witnesses listed that the defense is going to object to, please let us know so we will not focus on producing the summary of their testimony as the next step.

2. Although we are still processing the immunity requests IAW AR 27-10, we expect them to go to the CG no later than next week's appointment.

3. We do not oppose production of PFC BM's sister for sentencing.

v/r
Ashden

Classification: UNCLASSIFIED

Caveats: NONE

From: David E. Coombs
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); Hall, Cassius N CIV (US); Ganiel, Charles J CIV USARMY ATEC (US)
Subject: RE: Updates
Date: Tuesday, April 23, 2013 8:09:09 AM

Ashden,

What prohibits him from being given an interim clearance for the purposes of the court-martial or given limited access to the classified information for the purposes of the court-martial? I am not aware of any provision that would prohibit us from treating him differently than a dual citizen. Can you provide me with the source that DOD/DOS is relying upon to say no? Thanks.

Best,
David

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US) [mailto:ashden.fein.mil@mail.mil]
Sent: Tuesday, April 23, 2013 7:17 AM
To: 'coombs@armycourt martialdefense.com'
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: Re: Updates

David,

For stips- sounds good.

As for AMB Galbraith- unfortunately there is nothing else we can do for him without him voluntarily submitting to an investigation. Based on your request last session we worked with HQDA and DOS to find a work around. Because he is an American citizen (vice being a dual citizen or foreign national that have different rules), the rules require him to have a clearance. This is also because of the amount of time between his last valid investigation and today, because the previous investigation is not valid. He is being asked to follow the same procedures Col Davis just completed.

Overall an exception would make this much easier for all of us, but at this point we have no other method to obtain access for him.

V/r
Ashden

----- Original Message -----

From: David E. Coombs [mailto:coombs@armycourt martialdefense.com]
Sent: Tuesday, April 23, 2013 12:32 AM

To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US);
Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY
USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY
(US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F
CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: RE: Updates

Ashden,

Thank you for the update. We will get back to you by COB Wednesday on your list of witnesses. I anticipate us not having a problem with stipulating to around 90% of the witnesses listed subject to us working out the wording of the stipulation (as we did with Cindrich). With regards to Mr. Doe, we will need to receive the responses to our interrogatories before we could agree to stipulate.

As an aside, and in the new spirit of cooperation, I am requesting that the Government approve limited access to classified information for the purposes of the court-martial for AMB Galbraith instead of a full security clearance. I am confident that we can assist him in completing the Standard Form 85P, arrange to have his fingerprints taken, and sign the requisite agreements. I am requesting authorization to show him only the charged cables in Specifications 13 and 14. Please let me know if the Government would be amenable to this solution and I will notify COL Lind of our joint work around of this issue.

Best,
David

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US) [<mailto:ashden.fein.mil@mail.mil>]
Sent: Monday, April 22, 2013 7:37 PM
To: 'coombs@armycourt martialdefense.com'
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US);
Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY
USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY
(US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F
CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: Updates

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1. Attached is a list of witnesses to which we would be willing to stipulate. We will follow this up with a brief description of why the witness is being called if necessary; however, our actual witness list is a good starting point to understand each witness's significance. If there are witnesses listed that the defense is going to object to, please let us know so we will not focus on producing the summary of their testimony as the next step.
2. Although we are still processing the immunity requests IAW AR 27-10, we expect them to go to the CG no later than next week's appointment.
3. We do not oppose production of PFC BM's sister for sentencing.

v/r
Ashden

From: Fein, Ashden MAJ USARMY MDW (US)
To: "coombs@armycourtmarialdefense.com"
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Bcc: von Elten, Alexander S (Alec) CPT USARMY (US); McLamb, Amber M SGT USARMY MDW (US); Carskadon, Amy E CIV (US); Overgaard, Angel M CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); Jorris, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); Parra, Jairo A UPJ CW2 USARMY USAMDW (US); Whyte, J Hunter CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Mitroka, Katherine F CPT USARMY (US)
Subject: Re: Updates
Date: Tuesday, April 23, 2013 7:17:28 AM

David,

For stips- sounds good.

As for AMB Galbraith- unfortunately there is nothing else we can do for him without him voluntarily submitting to an investigation. Based on your request last session we worked with HQDA and DOS to find a work around. Because he is an American citizen (vice being a dual citizen or foreign national that have different rules), the rules require him to have a clearance. This is also because of the amount of time between his last valid investigation and today, because the previous investigation is not valid. He is being asked to follow the same procedures Col Davis just completed.

Overall an exception would make this much easier for all of us, but at this point we have no other method to obtain access for him.

V/r
Ashden

----- Original Message -----

From: David E. Coombs [mailto:coombs@armycourtmarialdefense.com]
Sent: Tuesday, April 23, 2013 12:32 AM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: RE: Updates

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amendable to this solution and I will notify COL Lind of our joint work around of this issue.

Best,
David

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US) [<mailto:ashden.fein.mil@mail.mil>]

Sent: Monday, April 22, 2013 7:37 PM

To: 'coombs@armycourt martialdefense.com'

Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
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3. We do not oppose production of PFC BM's sister for sentencing.

v/r
Ashden

From: David E. Coombs
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: RE: Updates
Date: Monday, April 22, 2013 8:32:46 PM

Ashden,

Thank you for the update. We will get back to you by COB Wednesday on your list of witnesses. I anticipate us not having a problem with stipulating to around 90% of the witnesses listed subject to us working out the wording of the stipulation (as we did with Cindrich). With regards to Mr. Doe, we will need to receive the responses to our interrogatories before we could agree to stipulate.

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Best,
David

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US) [<mailto:ashden.fein.mil@mail.mil>]
Sent: Monday, April 22, 2013 7:37 PM
To: 'coombs@armycourt martialdefense.com'
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: Updates

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3. We do not oppose production of PFC BM's sister for sentencing.

v/r

Ashden

From: Fein, Ashden MAJ USARMY MDW (US)
To: Tooman, Joshua J CPT USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); David Coombs (coombs@armycourtmarshaldefense.com); Hurley, Thomas F MAJ USARMY (US); Bennett, Jessica D SSG USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: RE: SSG Bennett--Clearance (UNCLASSIFIED)
Date: Monday, April 22, 2013 7:37:00 PM

Thank you.

-----Original Message-----

From: Tooman, Joshua J CPT USARMY (US)
Sent: Monday, April 22, 2013 2:50 PM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); David Coombs (coombs@armycourtmarshaldefense.com); Hurley, Thomas F MAJ USARMY (US); Bennett, Jessica D SSG USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: RE: SSG Bennett--Clearance (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Sir

Please see the attached memo requesting a TS/SCI clearance for SSG Bennett.
Please let me know if you need anything else.

Thanks,
Josh

Joshua J. Tooman
CPT, JA
Trial Defense Counsel
9990 Belvoir Drive
Fort Belvoir, VA 22060
Tel: (703) 805-4383
Fax: (703) 805-4413
joshua.tooman@us.army.mil

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-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)

Sent: Friday, April 19, 2013 11:53 AM
To: Tooman, Joshua J CPT USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); David Coombs (coombs@armycourtmarshialdefense.com); Hurley, Thomas F MAJ USARMY (US); Bennett, Jessica D SSG USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: RE: SSG Bennett--Clearance (UNCLASSIFIED)

Josh,

Please submit a memo with justification so we can forward that up for approval.

v/r
MAJ Fein

-----Original Message-----

From: Tooman, Joshua J CPT USARMY (US)
Sent: Friday, April 19, 2013 11:36 AM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); David Coombs (coombs@armycourtmarshialdefense.com); Hurley, Thomas F MAJ USARMY (US); Bennett, Jessica D SSG USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: SSG Bennett--Clearance (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Sir

We would like SSG Bennett to be processed for a TS. As she will be assisting us throughout the trial it will be important that she have access to all the discovery.

Please let me know what I can do to facilitate this.

Thanks,
Josh

Joshua J. Tooman
CPT, JA
Trial Defense Counsel
9990 Belvoir Drive
Fort Belvoir, VA 22060
Tel: (703) 805-4383
Fax: (703) 805-4413
joshua.tooman@us.army.mil

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individually identifiable information the disclosure of which, to any person or agency not entitled to receive it, is or may be prohibited by the Privacy Act, 5 U.S.C. §552a. Improper disclosure of protected information could result in civil action or criminal prosecution.

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Friday, April 19, 2013 9:17 AM
To: Tooman, Joshua J CPT USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); David Coombs (coombs@armycourt martialdefense.com); Hurley, Thomas F MAJ USARMY (US); Bennett, Jessica D SSG USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: RE: SSG Bennett (UNCLASSIFIED)

Josh,

The orders are attached, including the Court's order. Please have SSG Bennett read and then send us her acknowledgments of the protective orders. Thank you!

v/r
MAJ Fein

-----Original Message-----

From: Tooman, Joshua J CPT USARMY (US)
Sent: Wednesday, April 17, 2013 10:52 AM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); David Coombs (coombs@armycourt martialdefense.com); Hurley, Thomas F MAJ USARMY (US); Bennett, Jessica D SSG USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: SSG Bennett (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Sir

Have you all been able to verify SSG Bennett's clearance. If so, can you all send over the protective orders so we can get her squared away?

Thanks,

Josh

Joshua J. Tooman
CPT, JA
Trial Defense Counsel
9990 Belvoir Drive

Fort Belvoir, VA 22060
Tel: (703) 805-4383
Fax: (703) 805-4413
joshua.tooman@us.army.mil

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Classification: UNCLASSIFIED

Caveats: NONE

Classification: UNCLASSIFIED

Caveats: NONE

Classification: UNCLASSIFIED

Caveats: NONE

From: Fein, Ashden MAJ USARMY MDW (US)
To: "coombs@armycourt martialdefense.com"
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Ethen, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Bcc: Clark, Derek D SGT USARMY USAMDW (US); Johns, Claire V SGT USARMY (US); McLamb, Amber M SGT USARMY MDW (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Carskadon, Amy E CIV (US)
Subject: Updates
Date: Monday, April 22, 2013 7:37:00 PM
Attachments: Witnesses.txt

David,

1. Attached is a list of witnesses to which we would be willing to stipulate. We will follow this up with a brief description of why the witness is being called if necessary; however, our actual witness list is a good starting point to understand each witness's significance. If there are witnesses listed that the defense is going to object to, please let us know so we will not focus on producing the summary of their testimony as the next step.
2. Although we are still processing the immunity requests IAW AR 27-10, we expect them to go to the CG no later than next week's appointment.
3. We do not oppose production of PFC BM's sister for sentencing.

v/r
Ashden

From: Tooman, Joshua J CPT USARMY (US)
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); David Coombs (combs@armycourtmarshaldefense.com); Hurley, Thomas F MAJ USARMY (US); Bennett, Jessica D SSG USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: RE: SSG Bennett--Clearance (UNCLASSIFIED)
Date: Monday, April 22, 2013 2:49:43 PM
Attachments: Bennett_TS.pdf

Classification: UNCLASSIFIED

Caveats: NONE

Sir

Please see the attached memo requesting a TS/SCI clearance for SSG Bennett.
Please let me know if you need anything else.

Thanks,
Josh

Joshua J. Tooman
CPT, JA
Trial Defense Counsel
9990 Belvoir Drive
Fort Belvoir, VA 22060
Tel: (703) 805-4383
Fax: (703) 805-4413
joshua.tooman@us.army.mil

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-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Friday, April 19, 2013 11:53 AM
To: Tooman, Joshua J CPT USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); David Coombs (combs@armycourtmarshaldefense.com); Hurley, Thomas F MAJ USARMY (US); Bennett, Jessica D SSG USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: RE: SSG Bennett--Clearance (UNCLASSIFIED)

Josh,

Please submit a memo with justification so we can forward that up for

approval.

v/r
MAJ Fein

-----Original Message-----

From: Tooman, Joshua J CPT USARMY (US)
Sent: Friday, April 19, 2013 11:36 AM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); David Coombs (coombs@armycourt martialdefense.com); Hurley, Thomas F MAJ USARMY (US); Bennett, Jessica D SSG USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: SSG Bennett--Clearance (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Sir

We would like SSG Bennett to be processed for a TS. As she will be assisting us throughout the trial it will be important that she have access to all the discovery.

Please let me know what I can do to facilitate this.

Thanks,
Josh

Joshua J. Tooman
CPT, JA
Trial Defense Counsel
9990 Belvoir Drive
Fort Belvoir, VA 22060
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-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Friday, April 19, 2013 9:17 AM
To: Tooman, Joshua J CPT USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); David Coombs

(coombs@armycourtmarshaldefense.com); Hurley, Thomas F MAJ USARMY (US);
Bennett, Jessica D SSG USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW
(US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: RE: SSG Bennett (UNCLASSIFIED)

Josh,

The orders are attached, including the Court's order. Please have SSG
Bennett read and then send us her acknowledgments of the protective orders.
Thank you!

v/r
MAJ Fein

-----Original Message-----

From: Tooman, Joshua J CPT USARMY (US)
Sent: Wednesday, April 17, 2013 10:52 AM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT
USARMY (US); Mitroka, Katherine F CPT USARMY (US); Whyte, J Hunter CPT
USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); David Coombs
(coombs@armycourtmarshaldefense.com); Hurley, Thomas F MAJ USARMY (US);
Bennett, Jessica D SSG USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW
(US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: SSG Bennett (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

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Josh

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result in civil action or criminal prosecution.

Classification: UNCLASSIFIED

Caveats: NONE

Classification: UNCLASSIFIED

Caveats: NONE

Classification: UNCLASSIFIED

Caveats: NONE

From: David E. Coombs
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Tooman, Joshua J CPT USARMY (US); Hurley, Thomas F MAJ USARMY (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Subject: RE: Stipulation Clarification (UNCLASSIFIED)
Date: Saturday, April 20, 2013 8:22:57 AM

Ashden,

Not a problem. On a side note, can you give me an update on the immunity requests, and whether you will be opposing production of PFC Manning's sister? Thanks.

Best,
David

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US) [mailto:ashden.fein.mil@mail.mil]
Sent: Friday, April 19, 2013 4:21 PM
To: David E. Coombs
Cc: Tooman, Joshua J CPT USARMY (US); Hurley, Thomas F MAJ USARMY (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Subject: RE: Stipulation Clarification (UNCLASSIFIED)

David,

We are still working on the stip list. I expect it to be finished NLT COB on Monday.

v/r
Ashden

-----Original Message-----

From: David E. Coombs [mailto:coombs@armycourtartialdefense.com]
Sent: Thursday, April 18, 2013 9:52 AM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Tooman, Joshua J CPT USARMY (US); Hurley, Thomas F MAJ USARMY (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Subject: RE: Stipulation Clarification (UNCLASSIFIED)

Ashden,

Sounds like a plan.

Best,
David

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US) [mailto:ashden.fein.mil@mail.mil]
Sent: Thursday, April 18, 2013 8:35 AM
To: David E. Coombs

Cc: Tooman, Joshua J CPT USARMY (US); Hurley, Thomas F MAJ USARMY (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Subject: RE: Stipulation Clarification (UNCLASSIFIED)

David,

Thank you for the reply. Your explanation makes sense. In the next few days, we will put together a list of the witnesses as you described below and send it for your review. Once you let us know which ones you are willing to stipulate to, we will start knocking out proposed stipulations. For stipulations of expected testimony, we would like to execute them in batches ASAP, rather than just wait until 7 May. Assuming you would like to discuss the stipulations with your client before counsel sign them, we can assist by having your client brought to a TDS office to meet in the local area, which would allow him to review the documents that may contain classified information.

v/r
Ashden

-----Original Message-----

From: David E. Coombs [<mailto:coombs@armycourt martialdefense.com>]
Sent: Tuesday, April 16, 2013 3:48 PM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Tooman, Joshua J CPT USARMY (US); Hurley, Thomas F MAJ USARMY (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Subject: RE: Stipulation Clarification (UNCLASSIFIED)

Ashden,

I apologize for the confusion. We are open to stipulating to chain of custody witnesses; minor witnesses whose testimony would not be in dispute (e.g., Cindrich); and certain facts that you may want from the evidence identified through the witness you intend to call (e.g., SA Shaver will testify that PFC M searched WL 96 times between X Date and Y Date).

During our previous discussions, I have heard that you may be concerned either that we have no interest in stipulating and that we are just trying to waste your time, or that by offering stipulations you will be giving away some aspect of your case. I will tell you we are not trying to waste your time. Stipulations are in everyone's best interest. It not only saves everyone time and effort, but it is something that looks good for PFC M given the fact that he is not stipulating as part of a PTA.

As such, I think the best COA is for you to identify witnesses/facts that you would want to stipulate to, and that you believe will not give away some aspect of your case. In order for you to save time, you could initially just identify the witness (with subject matter) and/or witness/fact that you want to stipulate to in order to see if we would agree to stipulate. Using Ms. Debra Van Alstyne and the Supply Room computer as examples, I would envision the following:

1) (Witness) Ms. Debra Van Alstyne: We want to stipulate that Ms. Van Alstyne signed a search authorization for items that were left in her house

by PFC Manning. Specifically, that she consented to the search of a box that contained an SD card identified at BATES Number etc.;

2) (Facts identified through witness) SA Alfred Williamson: We want to stipulate that SA Williamson would testify to the following fact concerning the Supply Room NIPR Computer: Examination of the Supply Room NIPRNET computer revealed a large text file that appeared to be an extract of an Exchange GAL in the C:\Documents and Settings\peter.bigelow\My Documents\blah.txt.

In the end, if we can stipulate then we would be happy to do so. FYI, I don't see a problem with stipulating to 1 and 2 above. If you want to explore this option, we should aim to get this done before our next 39(a). This would enable PFC M to sign those stipulations that we agree to and for COL Lind to cover them on the record. This would give both parties predictability for the trial. If you do not want to explore this option, for whatever reason, then we will just alert COL Lind that we do not anticipate further stipulations.

Let me know if you have any questions.

Best,
David

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US) [<mailto:ashden.fein.mil@mail.mil>]
Sent: Tuesday, April 16, 2013 12:55 PM
To: David Coombs
Cc: Tooman, Joshua J CPT USARMY (US); Hurley, Thomas F MAJ USARMY (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Subject: RE: Stipulation Clarification (UNCLASSIFIED)

David,

As we continue to prepare for trial, I am unclear on what information the defense is willing to stipulate to, if any. I assume your most recent position, articulated in CPT Tooman's email below, is the most current, i.e. stipulations of fact for certain information that is not in dispute, purely chain of custody witnesses, and minor witnesses.

1. If the defense is willing to stipulate to witness testimony, then please let us know which witnesses. At the very bottom of this email is a previous email sent by MAJ Hurley to CPT Morrow listing 99 different witnesses, which could serve as a reasonable starting point. The prosecution is not in a position to determine which witnesses or evidence are "not in dispute" or are "minor" for defense purposes.

2. Assuming the defense's position is still to stipulate to testimony for purely chain of custody witnesses, we will create a list of these witnesses' names and the corresponding piece of evidence and will send these to you before the end of the week. If you do not object to these witnesses, then we will write out just two of the stipulations and send them for your review. Once these two are signed and delivered to the Court, then we will continue on knocking out the remainder on the list to meet the Court's 11 May suspense.

I will provide an update on other issues later today.

Thank you!

V/r
Ashden

-----Original Message-----

From: Tooman, Joshua J CPT USARMY (US)
Sent: Friday, April 12, 2013 1:46 PM
To: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US)
Subject: Stipulation Clarification (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

MAJ Fein

The purpose of this email is to clarify our conversation from yesterday and outline our position re: stipulations. We request you incorporate this in your update to COL Lind.

1) We will stipulate to certain facts that the Government wants to draw from the evidence that is not in dispute. For example, that PFC Manning conducted 9 searches of WikiLeaks on a certain date or that he downloaded a document on a certain date. At this time we are not prepared to stipulate to physical pieces of evidence (e.g. Manning's .22 computer) in their

entirety.

2) We will stipulate to purely chain of custody witnesses once the Government provides us with the stipulations to review for accuracy.

3) We will stipulate to minor witnesses whose testimony is not in issue once the Government provides us with the stipulations to review for accuracy.

V/R

Joshua J. Tooman
CPT, JA
Trial Defense Counsel
9990 Belvoir Drive
Fort Belvoir, VA 22060
Tel: (703) 805-4383
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Classification: UNCLASSIFIED

Caveats: NONE

-----Original Message-----

From: Hurley, Thomas F MAJ OSD OMC Defense [<mailto:Thomas.Hurley@osd.mil>]

Sent: Thursday, January 03, 2013 10:51 AM

To: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)

Subject: Witnesses

CPT Morrow

The following are the witnesses we may be willing to stipulate to. The numbers correspond to the 26 October 2012 classified list. I should be able to include the names for most, if not all, of the witnesses. I count them as 99 witnesses - could be off by one or two, though. As we indicated on the phone, stipulating to evidence may eliminate the need to stipulating to these underlying witnesses.

Our subjective unwillingness to stipulate should not inhibit us from negotiating about other witnesses. I have left off several Flag Officers (and their equivalents) from this list. Just let us know if there are any that you would particularly like to stipulate to. Also, we may consider waiving the personal appearance of any sentencing witnesses. Just let us know.

#3 - Ms. Sara Loving.

#4 - Ms. Lisa Allerman.

#5 - Mr. Maxwell Allen.

#6 - SPC Mary Amiatu.

#7 - SPC Kyra (Marshall) Amos.

#9 - Mr. Peter Artale.

#13 - CW4 Anthony Barnett.

#14 - Mr. Joseph Benthall.

#15 - SA Troy Bettencourt.

#16 - SSG Peter Bigelow.

#18 - SA John Bowden.

#21 - Mr. Sean Chamberlain.

#22 - CPT Thomas Cherepko.

#24 - SA Charles Clapper.

#26 - Mr. Domingo Conlu.

#31 - Mr. Jim Downey.

#32 - SA Jeremy Drews.

#33 - SA Antonio Edwards.

#34 - SA Kirk Ellis.

#36 - Mr. Ryan Fidler.

#39 - Mr. James Fung.

#40 - Ms. Sheila Glenn.

#41 - Mr. Mike Goldman.

#42 - SA Tonia Graham.

#43 - Mr. Jacob Grant.

#47 - VADM Robert Harward.

#48 - Mr. Ben Henwood.

#49 - Mr. John Hodges.

#51

#54 - Ms. Tina Huffman.

#55 - Mr. George Huley.

#56 - Ms. Susy Hwang.

#57 - Ms. Elisa K. (Rubin) Ivory.

#58 - Mr. Albert Janek.

#59 - Mr. Glen Johnson.

#60 - Mr. Mark Johnson.

#62 - SA Kenneth King.

#66 - CW5 Jon Larue.

#69 - SA Jennie Lisciandri.

#72 - SGT Chad Madaras

#73 - Mr. Brian Madrid.

#74 - Ms. Tamara Mairena.
#76 - SGT Alejandro Marin.
#77 - Mr. Randy Marks.
#78
#80 - Mr. Vince McCarron.
#81 - Mr. Brian Mcfall.
#82
#83 - Mr. James McManus.
#84 - Ms. Felice McPhaul.
#85 - COL David Miller.
#86 - Mr. Jason Milliman.
#87 - Mr. James Moore.
#88 - Mr. Ken Moser.
#90 - Mr. Troy Moul.
#91 - Mr. Kin Moy.
#92 - Mr. Jonathan Muldoon.
#93 - Mr. Gerald Mundy.
#94 - Mr. Nicholas Murphy.
#96 - Lt. Col. Martin Nehring.
#98 - MAJ Katherine Ogletree.
#99 - SSA Alexander Otte.
#101 - AMB David Pearce.
#102 - Mr. H. Dean Pittman.
#104 - SSG Adam Price.
#105 - Ms. Wanda Primrose.
#106 - Mr. Jeffrey Ralston.
#108 - SA Calder Robertston.
#109 - Ms. Theresa Robinson.

#111 - Mr. Kim Rosecrans.
#114 - Mr. Doug Schasteen.
#115 - Ms. Jacqueline Scott.
#116 - AMB Stephen Seche.
#117 - SA David Shaver.
#119 - Ms. Kimberly Shupp.
#120 - SA Thomas Smith.
#121 - SA Mitchell Song.
#122 - CPT Loren Stark.
#123 - Mr. Ralph Steinway.
#124 - SA George Street.
#125
#127 - Mr. Jeffrey Szczepanski.
#128 - Ms. Tasha Thian.
#129 - SSG Robert Thomas.
#130 - Ms. Louis Travieso.
#131 - Mr. Charles Vankleek.
#133 - SGC Garrith Walker.
#134 - Mr. Greg Weaver.
#135 - Ms. Florinda White.
#136 - SA John Wilbur.
#137 - SA Alfred Williamson.
#138 - Mr. Charlie Wisecarver.
#139 - Mr. Alex Withers.
#140 - RADL David Woods.
#141 - AMB Don Yamamoto.
#142 - Mr. Garon Young.
#143 - AMB Marie Yovanovitch.
#144 - Mr. Joseph Yun.

#145

#146

#147

From: Fein, Ashden MAJ USARMY MDW (US)
To: "David E. Coombs"
Cc: Tooman, Joshua J CPT USARMY (US); Hurley, Thomas F MAJ USARMY (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Bcc: Clark, Derek D SGT USARMY USAMDW (US); Ford, Arthur D Jr CW2 USARMY (US); Jorns, Claire V SGT USARMY (US); McLamb, Amber M SGT USARMY MDW (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Carskadon, Amy F CIV (US)
Subject: RE: Stipulation Clarification (UNCLASSIFIED)
Date: Friday, April 19, 2013 4:20:00 PM

David,

We are still working on the stip list. I expect it to be finished NLT COB on Monday.

v/r
Ashden

-----Original Message-----

From: David E. Coombs [<mailto:coombs@armycourt martialdefense.com>]
Sent: Thursday, April 18, 2013 9:52 AM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Tooman, Joshua J CPT USARMY (US); Hurley, Thomas F MAJ USARMY (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Subject: RE: Stipulation Clarification (UNCLASSIFIED)

Ashden,

Sounds like a plan.

Best,
David

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US) [<mailto:ashden.fein.mil@mail.mil>]
Sent: Thursday, April 18, 2013 8:35 AM
To: David E. Coombs
Cc: Tooman, Joshua J CPT USARMY (US); Hurley, Thomas F MAJ USARMY (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Subject: RE: Stipulation Clarification (UNCLASSIFIED)

David,

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v/r
Ashden

-----Original Message-----

From: David E. Coombs [mailto:coombs@armycourtmarshalfense.com]
Sent: Tuesday, April 16, 2013 3:48 PM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Tooman, Joshua J CPT USARMY (US); Hurley, Thomas F MAJ USARMY (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Subject: RE: Stipulation Clarification (UNCLASSIFIED)

Ashden,

I apologize for the confusion. We are open to stipulating to chain of custody witnesses; minor witnesses whose testimony would not be in dispute (e.g., Cindrich); and certain facts that you may want from the evidence identified through the witness you intend to call (e.g., SA Shaver will testify that PFC M searched WL 96 times between X Date and Y Date).

During our previous discussions, I have heard that you may be concerned either that we have no interest in stipulating and that we are just trying to waste your time, or that by offering stipulations you will be giving away some aspect of your case. I will tell you we are not trying to waste your time. Stipulations are in everyone's best interest. It not only saves everyone time and effort, but it is something that looks good for PFC M given the fact that he is not stipulating as part of a PTA.

As such, I think the best COA is for you to identify witnesses/facts that you would want to stipulate to, and that you believe will not give away some aspect of your case. In order for you to save time, you could initially just identify the witness (with subject matter) and/or witness/fact that you want to stipulate to in order to see if we would agree to stipulate. Using Ms. Debra Van Alstyne and the Supply Room computer as examples, I would envision the following:

- 1) (Witness) Ms. Debra Van Alstyne: We want to stipulate that Ms. Van Alstyne signed a search authorization for items that were left in her house by PFC Manning. Specifically, that she consented to the search of a box that contained an SD card identified at BATES Number etc.;
- 2) (Facts identified through witness) SA Alfred Williamson: We want to stipulate that SA Williamson would testify to the following fact concerning the Supply Room NIPR Computer: Examination of the Supply Room NIPRNET computer revealed a large text file that appeared to be an extract of an Exchange GAL in the C:\Documents and Settings\peter.bigelow\My Documents\blah.txt.

In the end, if we can stipulate then we would be happy to do so. FYI, I don't see a problem with stipulating to 1 and 2 above. If you want to explore this option, we should aim to get this done before our next 39(a). This would enable PFC M to sign those stipulations that we agree to and for COL Lind to cover them on the record. This would give both parties predictability for the trial. If you do not want to explore this option, for whatever reason, then we will just alert COL Lind that we do not anticipate further stipulations.

Let me know if you have any questions.

Best,
David

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US) [mailto:ashden.fein.mil@mail.mil]

Sent: Tuesday, April 16, 2013 12:55 PM

To: David Coombs

Cc: Tooman, Joshua J CPT USARMY (US); Hurley, Thomas F MAJ USARMY (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)

Subject: RE: Stipulation Clarification (UNCLASSIFIED)

David,

As we continue to prepare for trial, I am unclear on what information the defense is willing to stipulate to, if any. I assume your most recent position, articulated in CPT Tooman's email below, is the most current, i.e. stipulations of fact for certain information that is not in dispute, purely chain of custody witnesses, and minor witnesses.

1. If the defense is willing to stipulate to witness testimony, then please let us know which witnesses. At the very bottom of this email is a previous email sent by MAJ Hurley to CPT Morrow listing 99 different witnesses, which could serve as a reasonable starting point. The prosecution is not in a position to determine which witnesses or evidence are "not in dispute" or are "minor" for defense purposes.

2. Assuming the defense's position is still to stipulate to testimony for purely chain of custody witnesses, we will create a list of these witnesses' names and the corresponding piece of evidence and will send these to you before the end of the week. If you do not object to these witnesses, then we will write out just two of the stipulations and send them for your review. Once these two are signed and delivered to the Court, then we will continue on knocking out the remainder on the list to meet the Court's 11 May suspension.

I will provide an update on other issues later today.

Thank you!

V/r
Ashden

-----Original Message-----

From: Tooman, Joshua J CPT USARMY (US)

Sent: Friday, April 12, 2013 1:46 PM

To: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)

Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US)

Subject: Stipulation Clarification (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

MAJ Fein

The purpose of this email is to clarify our conversation from yesterday and outline our position re: stipulations. We request you incorporate this in your update to COL Lind.

1) We will stipulate to certain facts that the Government wants to draw from the evidence that is not in dispute. For example, that PFC Manning conducted 9 searches of WikiLeaks on a certain date or that he downloaded a document on a certain date. At this time we are not prepared to stipulate to physical pieces of evidence (e.g. Manning's .22 computer) in their

entirety.

2) We will stipulate to purely chain of custody witnesses once the Government provides us with the stipulations to review for accuracy.

3) We will stipulate to minor witnesses whose testimony is not in issue once the Government provides us with the stipulations to review for accuracy.

V/R

Joshua J. Tooman
CPT, JA
Trial Defense Counsel
9990 Belvoir Drive
Fort Belvoir, VA 22060
Tel: (703) 805-4383
Fax: (703) 805-4413
joshua.tooman@us.army.mil

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Classification: UNCLASSIFIED

Caveats: NONE

-----Original Message-----

From: Hurley, Thomas F MAJ OSD OMC Defense [mailto:Thomas.Hurley@osd.mil]

Sent: Thursday, January 03, 2013 10:51 AM

To: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)

Subject: Witnesses

CPT Morrow

The following are the witnesses we may be willing to stipulate to. The numbers correspond to the 26 October 2012 classified list. I should be able to include the names for most, if not all, of the witnesses. I count them as 99 witnesses - could be off by one or two, though. As we indicated on the phone, stipulating to evidence may eliminate the need to stipulating to these underlying witnesses.

Our subjective unwillingness to stipulate should not inhibit us from negotiating about other witnesses. I have left off several Flag Officers (and their equivalents) from this list. Just let us know if there are any that you would particularly like to stipulate to. Also, we may consider waiving the personal appearance of any sentencing witnesses. Just let us know.

#3 - Ms. Sara Loving.

#4 - Ms. Lisa Allerman.

#5 - Mr. Maxwell Allen.

#6 - SPC Mary Amiatu.

#7 - SPC Kyra (Marshall) Amos.

#9 - Mr. Peter Artale.

#13 - CW4 Anthony Barnett

#14 - Mr. Joseph Benthall.

#15 - SA Troy Bettencourt.

#16 - SSG Peter Bigelow.

#18 - SA John Bowden.

#21 - Mr. Sean Chamberlain.

#22 - CPT Thomas Cherepko.

#24 - SA Charles Clapper.

#26 - Mr. Domingo Conlu.

#31 - Mr. Jim Downey.

#32 - SA Jeremy Drews.

#33 - SA Antonio Edwards.

#34 - SA Kirk Ellis.

#36 - Mr. Ryan Fidler.

#39 - Mr. James Fung.

#40 - Ms. Sheila Glenn.
#41 - Mr. Mike Goldman.
#42 - SA Tonia Graham.
#43 - Mr. Jacob Grant.
#47 - VADM Robert Harward.
#48 - Mr. Ben Henwood.
#49 - Mr. John Hodges.
#51
#54 - Ms. Tina Huffman.
#55 - Mr. George Huley.
#56 - Ms. Susy Hwang.
#57 - Ms. Elisa K. (Rubin) Ivory.
#58 - Mr. Albert Janck.
#59 - Mr. Glen Johnson.
#60 - Mr. Mark Johnson.
#62 - SA Kenneth King.
#66 - CW5 Jon Larue.
#69 - SA Jennie Lisciandri.
#72 - SGT Chad Madaras
#73 - Mr. Brian Madrid.
#74 - Ms. Tamara Mairena.
#76 - SGT Alejandro Marin.
#77 - Mr. Randy Marks.
#78
#80 - Mr. Vince McCarron.
#81 - Mr. Brian Mcfall.
#82
#83 - Mr. James McManus.
#84 - Ms. Felice McPhaul.

#85 - COL David Miller.

#86 - Mr. Jason Milliman.

#87 - Mr. James Moore.

#88 - Mr. Ken Moser.

#90 - Mr. Troy Moul.

#91 - Mr. Kin Moy.

#92 - Mr. Jonathan Muldoon.

#93 - Mr. Gerald Mundy.

#94 - Mr. Nicholas Murphy.

#96 - Lt. Col. Martin Nehring.

#98 - MAJ Katherine Ogletree.

#99 - SSA Alexander Otte.

#101 - AMB David Pearce.

#102 - Mr. H. Dean Pittman.

#104 - SSG Adam Price.

#105 - Ms. Wanda Primrose.

#106 - Mr. Jeffrey Ralston.

#108 - SA Calder Robertston.

#109 - Ms. Theresa Robinson.

#111 - Mr. Kim Rosecrans.

#114 - Mr. Doug Schasteen.

#115 - Ms. Jacqueline Scott.

#116 - AMB Stephen Seche.

#117 - SA David Shaver.

#119 - Ms. Kimberly Shupp.

#120 - SA Thomas Smith.

#121 - SA Mitchell Song.

#122 - CPT Loren Stark.

#123 - Mr. Ralph Steinway.

#124 - SA George Street.

#125

#127 - Mr. Jeffrey Szczepanski.

#128 - Ms. Tasha Thian.

#129 - SSG Robert Thomas.

#130 - Ms. Louis Travieso.

#131 - Mr. Charles Vankleek.

#133 - SGC Garrith Walker.

#134 - Mr. Greg Weaver.

#135 - Ms. Florinda White.

#136 - SA John Wilbur.

#137 - SA Alfred Williamson.

#138 - Mr. Charlie Wisecarver.

#139 - Mr. Alex Withers.

#140 - RADL David Woods.

#141 - AMB Don Yamamoto.

#142 - Mr. Garon Young.

#143 - AMB Marie Yovanovitch.

#144 - Mr. Joseph Yun.

#145

#146

#147

From: Bennett, Jessica D SSG USARMY (US)
To: Jorns, Claire V SGT USARMY (US)
Cc: Ford, Arthur D Jr CW2 USARMY (US); Tooman, Joshua J CPT USARMY (US); Fein, Ashden MAJ USARMY MDW (US)
Subject: RE: Protective Orders (UNCLASSIFIED)
Date: Friday, April 19, 2013 2:16:57 PM
Attachments: SSG Bennett Acknowledgement of Protective Order 2.pdf

Thank you SGT Jorns, I have attached the other two.

V/R

SSG Bennett

From: Jorns, Claire V SGT USARMY (US)
Sent: Friday, April 19, 2013 1:55 PM
To: Bennett, Jessica D SSG USARMY (US)
Cc: Ford, Arthur D Jr CW2 USARMY (US); Tooman, Joshua J CPT USARMY (US); Fein, Ashden MAJ USARMY MDW (US)
Subject: RE: Protective Orders (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

SSG Bennett,

Thank you! There seem to be two protective orders missing though. I've attached them to this email. Please sign, scan, and email back and we should be good. Thanks!

V/R

SGT Jorns

-----Original Message-----

From: Bennett, Jessica D SSG USARMY (US)
Sent: Friday, April 19, 2013 1:37 PM
To: Jorns, Claire V SGT USARMY (US)
Cc: Ford, Arthur D Jr CW2 USARMY (US); Tooman, Joshua J CPT USARMY (US)
Subject: RE: Protective Orders (UNCLASSIFIED)

SGT Jorns,

Attached are the signed acknowledgements and initialed Federal Orders. Please let me know if I am missing anything. Thank you.

V/R

SSG Bennett

From: Jorns, Claire V SGT USARMY (US)
Sent: Thursday, April 18, 2013 5:05 PM
To: Bennett, Jessica D SSG USARMY (US)
Cc: Ford, Arthur D Jr CW2 USARMY (US)
Subject: Protective Orders (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Hi SSG Bennett,

I'm SGT Jorns, one of the paralegals for the prosecution. I'm sending you the protective orders that we'll need you to complete and email back to us. Below are what we need from you in reference to each document:

The SPMCA Protective Order for Classified Information needs to be read and the Acknowledgment for Classified Information filled out and signed. The SPMCA Protective Order for SecArmy 15-6 needs to be read and filled out and signed on the last page. Finally, the Federal Orders need to be read and initialed on each page.

Once completed, please scan the signed and initialed documents back to me. Thank you!

V/R

Claire Jorns

SGT, USA
Paralegal NCO

OSJA, Military District of Washington

202-685-1975

Classification: UNCLASSIFIED

Caveats: NONE

Classification: UNCLASSIFIED

Caveats: NONE

From: Fein, Ashden MAJ USARMY MDW (US)
To: Tooman, Joshua J CPT USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); David Coombs (coombs@armycourtmarialdefense.com); Hurley, Thomas F MAJ USARMY (US); Bennett, Jessica D SSG USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Ford, Arthur D Jr CW2 USARMY (US)
Bcc: Clark, Derek D SGT USARMY USAMDW (US); Jorns, Claire V SGT USARMY (US); McLamb, Amber M SGT USARMY MDW (US); Carskadon, Amy E CIV (US)
Subject: RE: SSG Bennett--Clearance (UNCLASSIFIED)
Date: Friday, April 19, 2013 11:53:00 AM

Josh,

Please submit a memo with justification so we can forward that up for approval.

v/r
MAJ Fein

-----Original Message-----

From: Tooman, Joshua J CPT USARMY (US)
Sent: Friday, April 19, 2013 11:36 AM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); David Coombs (coombs@armycourtmarialdefense.com); Hurley, Thomas F MAJ USARMY (US); Bennett, Jessica D SSG USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: SSG Bennett--Clearance (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Sir

We would like SSG Bennett to be processed for a TS. As she will be assisting us throughout the trial it will be important that she have access to all the discovery.

Please let me know what I can do to facilitate this.

Thanks,
Josh

Joshua J. Tooman
CPT, JA
Trial Defense Counsel
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Fort Belvoir, VA 22060
Tel: (703) 805-4383
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joshua.tooman@us.army.mil

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-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Friday, April 19, 2013 9:17 AM
To: Tooman, Joshua J CPT USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); David Coombs (coombs@armycourtmartrialdefense.com); Hurley, Thomas F MAJ USARMY (US); Bennett, Jessica D SSG USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: RE: SSG Bennett (UNCLASSIFIED)

Josh,

The orders are attached, including the Court's order. Please have SSG Bennett read and then send us her acknowledgments of the protective orders. Thank you!

v/r
MAJ Fein

-----Original Message-----

From: Tooman, Joshua J CPT USARMY (US)
Sent: Wednesday, April 17, 2013 10:52 AM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); David Coombs (coombs@armycourtmartrialdefense.com); Hurley, Thomas F MAJ USARMY (US); Bennett, Jessica D SSG USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: SSG Bennett (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Sir

Have you all been able to verify SSG Bennett's clearance. If so, can you all send over the protective orders so we can get her squared away?

Thanks,

Josh

Joshua J. Tooman
CPT, JA

Trial Defense Counsel
9990 Belvoir Drive
Fort Belvoir, VA 22060
Tel: (703) 805-4383
Fax: (703) 805-4413
joshua.tooman@us.army.mil

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Caveats: NONE

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Caveats: NONE

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Subject: SSG Bennett--Clearance (UNCLASSIFIED)
Date: Friday, April 19, 2013 11:35:39 AM

Classification: UNCLASSIFIED
Caveats: NONE

Sir

We would like SSG Bennett to be processed for a TS. As she will be assisting us throughout the trial it will be important that she have access to all the discovery.

Please let me know what I can do to facilitate this.

Thanks,
Josh

Joshua J. Tooman
CPT, JA
Trial Defense Counsel
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Subject: RE: SSG Bennett (UNCLASSIFIED)

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v/r
MAJ Fein

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Subject: SSG Bennett (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

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Josh

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CPT, JA
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joshua.tooman@us.army.mil

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Classification: UNCLASSIFIED

Caveats: NONE

Classification: UNCLASSIFIED

Caveats: NONE

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Subject: RE: SSG Bennett (UNCLASSIFIED)
Date: Friday, April 19, 2013 9:18:36 AM

Classification: UNCLASSIFIED
Caveats: NONE

Thanks, sir.

Joshua J. Tooman
CPT, JA
Trial Defense Counsel
9990 Belvoir Drive
Fort Belvoir, VA 22060
Tel: (703) 805-4383
Fax: (703) 805-4413
joshua.tooman@us.army.mil

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Subject: RE: SSG Bennett (UNCLASSIFIED)

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Thank you!

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MAJ Fein

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Subject: SSG Bennett (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

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Josh

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Classification: UNCLASSIFIED

Caveats: NONE

Classification: UNCLASSIFIED

Caveats: NONE

From: Fein, Ashden MAJ USARMY MDW (US)
To: Tooman, Joshua J CPT USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); David Coombs (coombs@armycourtmarshaldefense.com); Hurley, Thomas F MAJ USARMY (US); Bennett, Jessica D SSG USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Ford, Arthur D Jr CW2 USARMY (US)
Bcc: Clark, Derek D SGT USARMY USAMDW (US); Jorns, Claire V SGT USARMY (US); McLamb, Amber M SGT USARMY MDW (US); Carskadon, Amy E CIV (US)
Subject: RE: SSG Bennett (UNCLASSIFIED)
Date: Friday, April 19, 2013 9:16:00 AM
Attachments: 120316-Order (Protective Order Classified Information).pdf
110622-SPCMCA Protective Order for LES Information.pdf
110917-SPCMCA Protective Order for Classified Information.pdf
Federal Orders.pdf
110622-SPCMCA Protective Order for SecArmy 15-6.pdf

Josh,

The orders are attached, including the Court's order. Please have SSG Bennett read and then send us her acknowledgments of the protective orders. Thank you!

v/r
MAJ Fein

-----Original Message-----

From: Tooman, Joshua J CPT USARMY (US)
Sent: Wednesday, April 17, 2013 10:52 AM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); David Coombs (coombs@armycourtmarshaldefense.com); Hurley, Thomas F MAJ USARMY (US); Bennett, Jessica D SSG USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: SSG Bennett (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Sir

Have you all been able to verify SSG Bennett's clearance. If so, can you all send over the protective orders so we can get her squared away?

Thanks,

Josh

Joshua J. Tooman
CPT, JA
Trial Defense Counsel
9990 Belvoir Drive
Fort Belvoir, VA 22060
Tel: (703) 805-4383

Fax: (703) 805-4413

joshua.tooman@us.army.mil

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Classification: UNCLASSIFIED

Caveats: NONE

From: Fein, Ashden MAJ USARMY MDW (US)
To: Peter Galbraith
Cc: pgalbraith@leg.state.vt.us; Ford, Arthur D Jr CW2 USARMY (US); Rains, Larry F CIV USARMY HQDA DCS G-2 (US); Pittman, Jamil A CIV USARMY HQDA DCS G-2 (US); David E. Coombs; Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Bcc: Clark, Derek D SGT USARMY USAMDW (US); Jorns, Claire V SGT USARMY (US); McLamb, Amber M SGT USARMY MDW (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Carskadon, Amy E CIV (US); Mitroka, Katherine F CPT USARMY (US); Overgaard, Angel M CPT USARMY (US); von Eiten, Alexander S (Alec) CPT USARMY (US); Whyte, J Hunter CPT USARMY (US)
Subject: RE: Clearance Issues
Date: Thursday, April 18, 2013 2:48:00 PM

Ambassador Galbraith,

Thank you for such a quick reply. The defense team in this criminal case requested that you have access to classified information in order to testify. Based on this request and only this request, the prosecution on behalf of the Department of the Army and Department of State is working to provide Private First Class Manning the approvals his defense asked for, but as outlined below, this requires you to fill out the appropriate paperwork and follow the other steps for a security clearance.

We acknowledge and respect how busy you are and your previous positions within the United States Government; however under the current laws and regulations neither the defense, prosecution, or the Court is authorized to discuss classified information with you until the threshold requirements are met.

At this point we recommend that you discuss the way forward with Mr. Coombs and the defense team. They requested you as a witness and specifically requested you be provided access to classified information and we are processing that request. If the defense still wants to share classified information with you or discuss classified information at trial, then we must receive your information.

Thank you!

Respectfully,

Major Fein

Ashden Fein
Major, U.S. Army

-----Original Message-----

From: Peter Galbraith [mailto:galbraithvt@gmail.com]
Sent: Wednesday, April 17, 2013 9:49 PM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: pgalbraith@leg.state.vt.us; Ford, Arthur D Jr CW2 USARMY (US); Rains, Larry E CIV USARMY HQDA DCS G-2 (US); Pittman, Jamil A CIV USARMY HQDA DCS G-2 (US); David E. Coombs; Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Subject: Re: Clearance Issues

Dear Major Fein,

As I understand it, I am being asked to obtain a security clearance in order to testify about State Department cables that anyone can see on line. .

My problem is that I have a busy life. I am a senator here in Vermont at what is now the busiest time in the legislative session. In addition, I continue to operate my international consulting activities. I was in Kurdistan (Iraq) a few weeks ago and am also deeply involved in a British-funded project aimed at strengthening the negotiating capacities of Syrian minorities.

I wasted considerable time trying to log in to the website and was frustrated by the fact that DOD entered the wrong social security number for me. Once I finally entered the website, I spent several hours entering information and dealing with a site that was not cooperative. For example, it asked for a phone number for my work in Afghanistan but the site only accepts US configured numbers. I gave up when I realized I would have to answer questions about all my significant foreign contacts (there are scores) and about each foreign trip I made in the last seven years (at least seventy trips to sixty countries). Indeed, I doubt I could reconstruct my travel or come up with all the contacts. I don't know the addresses of my Canadian cousins, the names of their spouses, or the whereabouts of all my nephews and nieces. And, for that matter I don't recall the date of my marriage to my second wife, the precise name of the town in Maine where we married or her birthdate (nor do I care to find out). All this information is available on my previous security forms. Of course, I didn't mind the paperwork to become an Ambassador but it is overkill in order to testify in a trial about cables that everyone can see on line.

I held TS/ codeword clearances from 1979 to at least 2003. Among other positions of trust, I served as a US Ambassador. Since the only cables that I need to see are ones Private Manning leaked and therefore available on line, I think the risk to US national security of me not getting a clearance in advance of my testimony is exactly zero.

I would like to help the court but we need to find a practical way for me to do so.

All the best

Peter Galbraith

On Wed, Apr 17, 2013 at 7:04 PM, Fein, Ashden MAJ USARMY MDW (US) <ashden.fein.mil@mail.mil> wrote:

Ambassador Galbraith,

Good evening. In addition to the previous emails between you and Mr. Rains and Chief Ford, Mr. Coombs approached us on April 10th to inform us that you were having difficulty with the security clearance process. Mr. Coombs asked if there was a way we could streamline the current process. According to Army Regulation 380-67, you must submit a Standard Form 86 (e-Qip) through the OPM website before you are granted access. The prosecution understands the form can be cumbersome, but there is no other solution available.

If you have any problems with the e-Qip website, please call the helpdesk at 410-278-4194 or e-mail usarmy.apg.inscom.mbx.psp-questions@mail.mil. The Department of the Army was able to have the website held open longer than the normal five day period so that you have more time to fill in the information, and this was based on your request to have your account reinstated.

As outlined below, without this electronic submission, signed release and consent forms, and your fingerprints you cannot access the classified information the defense would like to provide, and will not be able to participate in this court-martial in the capacity the defense intends.

If you have any questions or need assistance, please contact Chief Warrant Officer 2 Arthur Ford at 202-685-1975 or arthur.d.ford.mil@mail.mil.

Thank you!

Respectfully,

Major Fein

Ashden Fein
Major, U.S. Army

-----Original Message-----

From: Peter Galbraith [<mailto:pgalbraith@leg.state.vt.us>]

Sent: Tuesday, April 02, 2013 2:58 PM

To: USARMY APG INSCOM Mailbox PSIP Center of Excellence

Cc: galbraithvt@gmail.com; Fein, Ashden MAJ USARMY MDW (US); Pittman, Jamil A CIV USARMY HQDA DCS G-2 (US); Rains, Larry E CIV USARMY HQDA DCS G-2 (US)

Subject: Re: POSSIBLE SPAM: Investigation Status Update - Processing, Ticket

No. CLR00000495879

Tried to log in but couldn't. It still says my social security number is already registered

Sent from my iPad

On Apr 2, 2013, at 9:19 AM, "PSIP Center of Excellence

<usarmy.apg.inscom.mbx.psip-center-of-excellence@mail.mil>"

<usarmy.apg.inscom.mbx.psip-center-of-excellence@mail.mil> wrote:

Mr. Peter Woodard Galbraith:

In order to continue the processing of your background investigation, the Personnel Security Investigation Center of Excellence (PSI-CoE) must receive the below information. You were recently notified via e-mail of the requirement to complete the online e-QIP questionnaire and additional documentation for your background investigation.

Please submit the following required documentation to the PSI-CoE as soon as possible or contact us at 410-278-4194 or DSN 298-4194 or e-mail usarmy.apg.inscom.mbx.psip-questions@mail.mil so we can assist you with this process.

Required Documentation:

e-QIP NOT COMPLETED:

Online submission of e-QIP questionnaire is required-
<http://www.opm.gov/e-qip/>.

CERTIFICATION SIGNATURE FORM REQUIRED:

Please print, sign, and send the Certification Signature form (Identified by the letters CER in the bottom right hand corner of form) to the PSI-CoE using the contact information below. **Note: If you have already released your e-QIP questionnaire to the PSI-CoE, you will no longer be able to access the signature form via the e-QIP site. Please call our customer support center so that we may e-mail the form to you directly.

RELEASE OF INFORMATION FORM REQUIRED:

Please print, sign, and send the Release of Information form (Identified by the letters REL in the bottom right hand corner of form) to the PSI-CoE using the contact information below. **Note: If you have already released your e-QIP questionnaire to the PSI-CoE, you will no longer be able to access the signature form via the e-QIP site. Please call our customer support center so that we may e-mail the form to you directly.

MEDICAL INFORMATION PURSUANT FORM REQUIRED:

Please print, sign, and send the Medical Information Pursuant form (Identified by the letters MEL in the bottom right hand corner of form) to the PSI-CoE using the contact information below. **Note: If you have already released your e-QIP questionnaire to the PSI-CoE, you will no longer be able to access the signature form via the e-QIP site. Please call our customer support center so that we may e-mail the form to you directly.

FAIR CREDIT RELEASE REQUIRED:

Please print, sign, and send the Fair Credit Release form (Identified by the letter FCR in the bottom right hand corner of form) to the PSI-CoE using the contact information below. **Note: If you have already released your e-QIP questionnaire to the PSI-CoE, you will no longer be able to access the signature form via the e-QIP site. Please call our customer support center so that we may e-mail the form to you directly.

FINGERPRINTS REQUIRED:

Fingerprint cards- Contact your security manager or hiring official for guidance. New fingerprints must be submitted if prints were captured over 120 days ago.

Documentation for this background investigation request, with the exception of your e-QIP questionnaire and fingerprints, may be faxed to 410-306-3858/410-306-0413 or DSN 458-3858/0413 or scanned and e-mailed to usarmy.apg.inscom.mbx.sip-correspondence1@mail.mil

If you no longer require a background investigation or you are unable to respond to the requests, please have your security manager or hiring official contact the PSI-CoE at 410-278-4194 or DSN 298-4194 or

e-mail usarmy.apg.inscom.mbx.psip-questions@mail.mil A PSI-CoE customer support center representative is available to assist you from 0600-2400 (EST) Monday- Friday.

Please do not respond to this email, as responses are not monitored.

PSIP Record Number: CLR000000495879
Email Code: PSIP-0003

From: David E. Coombs
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Tooman, Joshua J CPT USARMY (US); Hurley, Thomas F MAJ USARMY (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Subject: RE: Stipulation Clarification (UNCLASSIFIED)
Date: Thursday, April 18, 2013 9:52:37 AM

Ashden,

Sounds like a plan.

Best,
David

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US) [<mailto:ashden.fein.mil@mail.mil>]
Sent: Thursday, April 18, 2013 8:35 AM
To: David E. Coombs
Cc: Tooman, Joshua J CPT USARMY (US); Hurley, Thomas F MAJ USARMY (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Subject: RE: Stipulation Clarification (UNCLASSIFIED)

David,

Thank you for the reply. Your explanation makes sense. In the next few days, we will put together a list of the witnesses as you described below and send it for your review. Once you let us know which ones you are willing to stipulate to, we will start knocking out proposed stip. For stip of expected testimony, we would like to execute them in batches ASAP, rather than just wait until 7 May. Assuming you would like to discuss the stip with your client before counsel sign them, we can assist by having your client brought to a TDS office to meet in the local area, which would allow him to review the documents that may contain classified information.

v/r
Ashden

-----Original Message-----

From: David E. Coombs [<mailto:coombs@armycourtmartrialdefense.com>]
Sent: Tuesday, April 16, 2013 3:48 PM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Tooman, Joshua J CPT USARMY (US); Hurley, Thomas F MAJ USARMY (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Subject: RE: Stipulation Clarification (UNCLASSIFIED)

Ashden,

I apologize for the confusion. We are open to stipulating to chain of custody witnesses; minor witnesses whose testimony would not be in dispute (e.g., Cindrich); and certain facts that you may want from the evidence identified through the witness you intend to call (e.g., SA Shaver will

testify that PFC M searched WL 96 times between X Date and Y Date).

During our previous discussions, I have heard that you may be concerned either that we have no interest in stipulating and that we are just trying to waste your time, or that by offering stipulations you will be giving away some aspect of your case. I will tell you we are not trying to waste your time. Stipulations are in everyone's best interest. It not only saves everyone time and effort, but it is something that looks good for PFC M given the fact that he is not stipulating as part of a PTA.

As such, I think the best COA is for you to identify witnesses/facts that you would want to stipulate to, and that you believe will not give away some aspect of your case. In order for you to save time, you could initially just identify the witness (with subject matter) and/or witness/fact that you want to stipulate to in order to see if we would agree to stipulate. Using Ms. Debra Van Alstyne and the Supply Room computer as examples, I would envision the following:

- 1) (Witness) Ms. Debra Van Alstyne: We want to stipulate that Ms. Van Alstyne signed a search authorization for items that were left in her house by PFC Manning. Specifically, that she consented to the search of a box that contained an SD card identified at BATES Number etc.;
- 2) (Facts identified through witness) SA Alfred Williamson: We want to stipulate that SA Williamson would testify to the following fact concerning the Supply Room NIPR Computer: Examination of the Supply Room NIPRNET computer revealed a large text file that appeared to be an extract of an Exchange GAL in the C:\Documents and Settings\peter.bigelow\My Documents\blah.txt

In the end, if we can stipulate then we would be happy to do so. FYI, I don't see a problem with stipulating to 1 and 2 above. If you want to explore this option, we should aim to get this done before our next 39(a). This would enable PFC M to sign those stipulations that we agree to and for COL Lind to cover them on the record. This would give both parties predictability for the trial. If you do not want to explore this option, for whatever reason, then we will just alert COL Lind that we do not anticipate further stipulations.

Let me know if you have any questions.

Best,
David

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US) [mailto:ashden.fein.mil@mail.mil]

Sent: Tuesday, April 16, 2013 12:55 PM

To: David Coombs

Cc: Tooman, Joshua J CPT USARMY (US); Hurley, Thomas F MAJ USARMY (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Subject: RE: Stipulation Clarification (UNCLASSIFIED)

David,

As we continue to prepare for trial, I am unclear on what information the

defense is willing to stipulate to, if any. I assume your most recent position, articulated in CPT Tooman's email below, is the most current, i.e. stipulations of fact for certain information that is not in dispute, purely chain of custody witnesses, and minor witnesses.

1. If the defense is willing to stipulate to witness testimony, then please let us know which witnesses. At the very bottom of this email is a previous email sent by MAJ Hurley to CPT Morrow listing 99 different witnesses, which could serve as a reasonable starting point. The prosecution is not in a position to determine which witnesses or evidence are "not in dispute" or are "minor" for defense purposes.

2. Assuming the defense's position is still to stipulate to testimony for purely chain of custody witnesses, we will create a list of these witnesses' names and the corresponding piece of evidence and will send these to you before the end of the week. If you do not object to these witnesses, then we will write out just two of the stipulations and send them for your review. Once these two are signed and delivered to the Court, then we will continue on knocking out the remainder on the list to meet the Court's 11 May suspension.

I will provide an update on other issues later today.

Thank you!

V/r
Ashden

-----Original Message-----

From: Tooman, Joshua J CPT USARMY (US)

Sent: Friday, April 12, 2013 1:46 PM

To: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)

Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US)

Subject: Stipulation Clarification (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

MAJ Fein

The purpose of this email is to clarify our conversation from yesterday and outline our position re: stipulations. We request you incorporate this in your update to COL Lind.

1) We will stipulate to certain facts that the Government wants to draw from the evidence that is not in dispute. For example, that PFC Manning conducted 9 searches of WikiLeaks on a certain date or that he downloaded a document on a certain date. At this time we are not prepared to stipulate to physical pieces of evidence (e.g. Manning's .22 computer) in their

entirety.

- 2) We will stipulate to purely chain of custody witnesses once the Government provides us with the stipulations to review for accuracy.
- 3) We will stipulate to minor witnesses whose testimony is not in issue once the Government provides us with the stipulations to review for accuracy.

V/R

Joshua J. Tooman
CPT, JA
Trial Defense Counsel
9990 Belvoir Drive
Fort Belvoir, VA 22060
Tel: (703) 805-4383
Fax: (703) 805-4413
joshua.tooman@us.army.mil

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Classification: UNCLASSIFIED

Caveats: NONE

-----Original Message-----

From: Hurley, Thomas F MAJ OSD OMC Defense [mailto:Thomas.Hurley@osd.mil]
Sent: Thursday, January 03, 2013 10:51 AM
To: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Subject: Witnesses

CPT Morrow

The following are the witnesses we may be willing to stipulate to. The numbers correspond to the 26 October 2012 classified list. I should be able to include the names for most, if not all, of the witnesses. I count them as 99 witnesses - could be off by one or two, though. As we indicated on the phone, stipulating to evidence may eliminate the need to stipulating to these underlying witnesses.

Our subjective unwillingness to stipulate should not inhibit us from negotiating about other witnesses. I have left off several Flag Officers (and their equivalents) from this list. Just let us know if there are any that you would particularly like to stipulate to. Also, we may consider waiving the personal appearance of any sentencing witnesses. Just let us know.

#3 - Ms. Sara Loving.

#4 - Ms. Lisa Allerman.

#5 - Mr. Maxwell Allen.
#6 - SPC Mary Amiatu.
#7 - SPC Kyra (Marshall) Amos.
#9 - Mr. Peter Artale.
#13 - CW4 Anthony Barnett.
#14 - Mr. Joseph Benthall.
#15 - SA Troy Bettencourt.
#16 - SSG Peter Bigelow.
#18 - SA John Bowden.
#21 - Mr. Sean Chamberlain.
#22 - CPT Thomas Cherepko.
#24 - SA Charles Clapper.
#26 - Mr. Domingo Conlu.
#31 - Mr. Jim Downey.
#32 - SA Jeremy Drews.
#33 - SA Antonio Edwards.
#34 - SA Kirk Ellis.
#36 - Mr. Ryan Fidler.
#39 - Mr. James Fung.
#40 - Ms. Sheila Glenn.
#41 - Mr. Mike Goldman.
#42 - SA Tonia Graham.
#43 - Mr. Jacob Grant.
#47 - VADM Robert Harward.
#48 - Mr. Ben Henwood.
#49 - Mr. John Hodges.
#51
#54 - Ms. Tina Huffman.
#55 - Mr. George Huley.

#56 - Ms. Susy Hwang.
#57 - Ms. Elisa K. (Rubin) Ivory.
#58 - Mr. Albert Janek.
#59 - Mr. Glen Johnson.
#60 - Mr. Mark Johnson.
#62 - SA Kenneth King.
#66 - CW5 Jon Larue.
#69 - SA Jennie Lisciandri.
#72 - SGT Chad Madaras
#73 - Mr. Brian Madrid.
#74 - Ms. Tamara Mairena.
#76 - SGT Alejandro Marin.
#77 - Mr. Randy Marks.
#78
#80 - Mr. Vince McCarron.
#81 - Mr. Brian Mcfall.
#82
#83 - Mr. James McManus.
#84 - Ms. Felice McPhaul.
#85 - COL David Miller.
#86 - Mr. Jason Milliman.
#87 - Mr. James Moore.
#88 - Mr. Ken Moser.
#90 - Mr. Troy Moul.
#91 - Mr. Kin Moy.
#92 - Mr. Jonathan Muldoon.
#93 - Mr. Gerald Mundy.
#94 - Mr. Nicholas Murphy.

#96 - Lt. Col. Martin Nehring.
#98 - MAJ Katherine Ogletree.
#99 - SSA Alexander Otte.
#101 - AMB David Pearce.
#102 - Mr. H. Dean Pittman.
#104 - SSG Adam Price.
#105 - Ms. Wanda Primrose.
#106 - Mr. Jeffrey Ralston.
#108 - SA Calder Robertston.
#109 - Ms. Theresa Robinson.
#111 - Mr. Kim Rosecrans.
#114 - Mr. Doug Schasteen.
#115 - Ms. Jacqueline Scott.
#116 - AMB Stephen Seche.
#117 - SA David Shaver.
#119 - Ms. Kimberly Shupp.
#120 - SA Thomas Smith.
#121 - SA Mitchell Song.
#122 - CPT Loren Stark.
#123 - Mr. Ralph Steinway.
#124 - SA George Street.
#125
#127 - Mr. Jeffrey Szczepanski.
#128 - Ms. Tasha Thian.
#129 - SSG Robert Thomas.
#130 - Ms. Louis Travieso.
#131 - Mr. Charles Vankleek.
#133 - SGC Garriith Walker.
#134 - Mr. Greg Weaver.

#135 - Ms. Florinda White.

#136 - SA John Wilbur.

#137 - SA Alfred Williamson.

#138 - Mr. Charlie Wisecarver.

#139 - Mr. Alex Withers.

#140 - RADL David Woods.

#141 - AMB Don Yamamoto.

#142 - Mr. Garon Young.

#143 - AMB Marie Yovanovitch.

#144 - Mr. Joseph Yun.

#145

#146

#147

From: Fein, Ashden MAJ USARMY MDW (US)
To: "David E. Coombs"
Cc: Tooman, Joshua J CPT USARMY (US); Hurley, Thomas F MAJ USARMY (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Bcc: Clark, Derek D SGT USARMY USAMDW (US); Ford, Arthur D Jr CW2 USARMY (US); Jorns, Claire V SGT USARMY (US); McLamb, Amber M SGT USARMY MDW (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Carskadon, Amy E CIV (US)
Subject: RE: Stipulation Clarification (UNCLASSIFIED)
Date: Thursday, April 18, 2013 8:35:00 AM

David,

Thank you for the reply. Your explanation makes sense. In the next few days, we will put together a list of the witnesses as you described below and send it for your review. Once you let us know which ones you are willing to stipulate to, we will start knocking out proposed stipulations. For stipulations of expected testimony, we would like to execute them in batches ASAP, rather than just wait until 7 May. Assuming you would like to discuss the stipulations with your client before counsel sign them, we can assist by having your client brought to a TDS office to meet in the local area, which would allow him to review the documents that may contain classified information.

v/r
Ashden

-----Original Message-----

From: David E. Coombs [<mailto:coombs@armycourt martialdefense.com>]
Sent: Tuesday, April 16, 2013 3:48 PM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Tooman, Joshua J CPT USARMY (US); Hurley, Thomas F MAJ USARMY (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Subject: RE: Stipulation Clarification (UNCLASSIFIED)

Ashden,

I apologize for the confusion. We are open to stipulating to chain of custody witnesses; minor witnesses whose testimony would not be in dispute (e.g., Cindrich); and certain facts that you may want from the evidence identified through the witness you intend to call (e.g., SA Shaver will testify that PFC M searched WL 96 times between X Date and Y Date).

During our previous discussions, I have heard that you may be concerned either that we have no interest in stipulating and that we are just trying to waste your time, or that by offering stipulations you will be giving away some aspect of your case. I will tell you we are not trying to waste your time. Stipulations are in everyone's best interest. It not only saves everyone time and effort, but it is something that looks good for PFC M given the fact that he is not stipulating as part of a PTA.

As such, I think the best COA is for you to identify witnesses/facts that you would want to stipulate to, and that you believe will not give away some aspect of your case. In order for you to save time, you could initially just identify the witness (with subject matter) and/or witness/fact that you want to stipulate to in order to see if we would agree to stipulate. Using Ms. Debra Van Alstyne and the Supply Room computer as examples, I would envision the following:

1) (Witness) Ms. Debra Van Alstyn: We want to stipulate that Ms. Van Alstyn signed a search authorization for items that were left in her house by PFC Manning. Specifically, that she consented to the search of a box that contained an SD card identified at BATES Number etc.;

2) (Facts identified through witness) SA Alfred Williamson: We want to stipulate that SA Williamson would testify to the following fact concerning the Supply Room NIPR Computer: Examination of the Supply Room NIPRNET computer revealed a large text file that appeared to be an extract of an Exchange GAL in the C:\Documents and Settings\peter.bigelow\My Documents\blah.txt.

In the end, if we can stipulate then we would be happy to do so. FYI, I don't see a problem with stipulating to 1 and 2 above. If you want to explore this option, we should aim to get this done before our next 39(a). This would enable PFC M to sign those stipulations that we agree to and for COL Lind to cover them on the record. This would give both parties predictability for the trial. If you do not want to explore this option, for whatever reason, then we will just alert COL Lind that we do not anticipate further stipulations.

Let me know if you have any questions.

Best,
David

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US) [mailto:ashden.fein.mil@mail.mil]

Sent: Tuesday, April 16, 2013 12:55 PM

To: David Coombs

Cc: Tooman, Joshua J CPT USARMY (US); Hurley, Thomas F MAJ USARMY (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)

Subject: RE: Stipulation Clarification (UNCLASSIFIED)

David,

As we continue to prepare for trial, I am unclear on what information the defense is willing to stipulate to, if any. I assume your most recent position, articulated in CPT Tooman's email below, is the most current, i.e. stipulations of fact for certain information that is not in dispute, purely chain of custody witnesses, and minor witnesses.

1. If the defense is willing to stipulate to witness testimony, then please let us know which witnesses. At the very bottom of this email is a previous email sent by MAJ Hurley to CPT Morrow listing 99 different witnesses, which could serve as a reasonable starting point. The prosecution is not in a position to determine which witnesses or evidence are "not in dispute" or are "minor" for defense purposes.

2. Assuming the defense's position is still to stipulate to testimony for purely chain of custody witnesses, we will create a list of these witnesses' names and the corresponding piece of evidence and will send these to you before the end of the week. If you do not object to these witnesses, then we will write out just two of the stipulations and send them for your review. Once these two are signed and delivered to the Court, then we will

continue on knocking out the remainder on the list to meet the Court's 11 May suspension.

I will provide an update on other issues later today.

Thank you!

V/r
Ashden

-----Original Message-----

From: Tooman, Joshua J CPT USARMY (US)
Sent: Friday, April 12, 2013 1:46 PM
To: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US)
Subject: Stipulation Clarification (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

MAJ Fein

The purpose of this email is to clarify our conversation from yesterday and outline our position re: stipulations. We request you incorporate this in your update to COL Lind.

1) We will stipulate to certain facts that the Government wants to draw from the evidence that is not in dispute. For example, that PFC Manning conducted 9 searches of WikiLeaks on a certain date or that he downloaded a document on a certain date. At this time we are not prepared to stipulate to physical pieces of evidence (e.g. Manning's .22 computer) in their

entirety.

2) We will stipulate to purely chain of custody witnesses once the Government provides us with the stipulations to review for accuracy.

3) We will stipulate to minor witnesses whose testimony is not in issue once the Government provides us with the stipulations to review for accuracy.

V/R

Joshua J. Tooman
CPT, JA
Trial Defense Counsel
9990 Belvoir Drive
Fort Belvoir, VA 22060
Tel: (703) 805-4383
Fax: (703) 805-4413
joshua.tooman@us.army.mil

This communication may be privileged as attorney work product and/or attorney-client communication or may be protected by another privilege recognized under the law. Do not distribute, forward, or release without the prior approval of the sender. In addition, this communication may contain individually identifiable information the disclosure of which, to any person or agency not entitled to receive it, is or may be prohibited by the Privacy Act, 5 U.S.C. §552a. Improper disclosure of protected information could result in civil action or criminal prosecution.

Classification: UNCLASSIFIED

Caveats: NONE

-----Original Message-----

From: Hurley, Thomas F MAJ OSD OMC Defense [<mailto:Thomas.Hurley@osd.mil>]
Sent: Thursday, January 03, 2013 10:51 AM
To: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Subject: Witnesses

CPT Morrow

The following are the witnesses we may be willing to stipulate to. The numbers correspond to the 26 October 2012 classified list. I should be able to include the names for most, if not all, of the witnesses. I count them as 99 witnesses - could be off by one or two, though. As we indicated on the phone, stipulating to evidence may eliminate the need to stipulating to these underlying witnesses.

Our subjective unwillingness to stipulate should not inhibit us from negotiating about other witnesses. I have left off several Flag Officers (and their equivalents) from this list. Just let us know if there are any that you would particularly like to stipulate to. Also, we may consider waiving the personal appearance of any sentencing witnesses. Just let us know.

#3 - Ms. Sara Loving.

#4 - Ms. Lisa Allerman.

#5 - Mr. Maxwell Allen.

#6 - SPC Mary Amiatu.

#7 - SPC Kyra (Marshall) Amos.

#9 - Mr. Peter Artale.

#13 - CW4 Anthony Barnett.

#14 - Mr. Joseph Benthall.

#15 - SA Troy Bettencourt.

#16 - SSG Peter Bigelow.

#18 - SA John Bowden.

#21 - Mr. Sean Chamberlain.
#22 - CPT Thomas Cherepko.
#24 - SA Charles Clapper.
#26 - Mr. Domingo Conlu.
#31 - Mr. Jim Downey.
#32 - SA Jeremy Drews.
#33 - SA Antonio Edwards.
#34 - SA Kirk Ellis.
#36 - Mr. Ryan Fidler.
#39 - Mr. James Fung.
#40 - Ms. Sheila Glenn.
#41 - Mr. Mike Goldman.
#42 - SA Tonia Graham.
#43 - Mr. Jacob Grant.
#47 - VADM Robert Harward.
#48 - Mr. Ben Henwood.
#49 - Mr. John Hodges.
#51
#54 - Ms. Tina Huffman.
#55 - Mr. George Huley.
#56 - Ms. Susy Hwang.
#57 - Ms. Elisa K. (Rubin) Ivory.
#58 - Mr. Albert Janek.
#59 - Mr. Glen Johnson.
#60 - Mr. Mark Johnson.
#62 - SA Kenneth King.
#66 - CW5 Jon Larue.
#69 - SA Jennie Lisciandri.
#72 - SGT Chad Madaras

#73 - Mr. Brian Madrid.
#74 - Ms. Tamara Mairena.
#76 - SGT Alejandro Marin.
#77 - Mr. Randy Marks.
#78
#80 - Mr. Vince McCarron.
#81 - Mr. Brian Mcfall.
#82
#83 - Mr. James McManus.
#84 - Ms. Felice McPhaul.
#85 - COL David Miller.
#86 - Mr. Jason Milliman.
#87 - Mr. James Moore.
#88 - Mr. Ken Moser.
#90 - Mr. Troy Moul.
#91 - Mr. Kin Moy.
#92 - Mr. Jonathan Muldoon.
#93 - Mr. Gerald Mundy.
#94 - Mr. Nicholas Murphy.
#96 - Lt. Col. Martin Nehring.
#98 - MAJ Katherine Ogletree.
#99 - SSA Alexander Otte.
#101 - AMB David Pearce.
#102 - Mr. H. Dean Pittman.
#104 - SSG Adam Price.
#105 - Ms. Wanda Primrose.
#106 - Mr. Jeffrey Ralston.
#108 - SA Calder Robertston.

#109 - Ms. Theresa Robinson.
#111 - Mr. Kim Rosecrans.
#114 - Mr. Doug Schasteen.
#115 - Ms. Jacqueline Scott.
#116 - AMB Stephen Seche.
#117 - SA David Shaver.
#119 - Ms. Kimberly Shupp.
#120 - SA Thomas Smith.
#121 - SA Mitchell Song.
#122 - CPT Loren Stark.
#123 - Mr. Ralph Steinway.
#124 - SA George Street.
#125
#127 - Mr. Jeffrey Szczepanski.
#128 - Ms. Tasha Thian.
#129 - SSG Robert Thomas.
#130 - Ms. Louis Travieso.
#131 - Mr. Charles Vankleek.
#133 - SGC Garrih Walker.
#134 - Mr. Greg Weaver.
#135 - Ms. Florinda White.
#136 - SA John Wilbur.
#137 - SA Alfred Williamson.
#138 - Mr. Charlie Wisecarver.
#139 - Mr. Alex Withers.
#140 - RADL David Woods.
#141 - AMB Don Yamamoto.
#142 - Mr. Garon Young.
#143 - AMB Marie Yovanovitch.

#144 - Mr. Joseph Yun.

#145

#146

#147

From: Peter Galbraith
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: pgalbraith@leg.state.vt.us; Ford, Arthur D. (Artie) CW2 USARMY MCOE (US); Rains, Larry F CIV USARMY HQDA DCS G-2 (US); Pittman, Jamil A CIV USARMY HQDA DCS G-2 (US); David F. Coombs; Morrow, JoDean (Joe) III MAJ USARMY USAMDW (US)
Subject: Re: Clearance Issues
Date: Wednesday, April 17, 2013 9:48:48 PM

Dear Major Fein,

As I understand it, I am being asked to obtain a security clearance in order to testify about State Department cables that anyone can see on line. .

My problem is that I have a busy life. I am a senator here in Vermont at what is now the busiest time in the legislative session. In addition, I continue to operate my international consulting activities. i was in Kurdistan (Iraq) a few weeks ago and am also deeply involved in a British-funded project aimed at strengthening the negotiating capacities of Syrian minorities.

I wasted considerable time trying to log in to the website and was frustrated by the fact that DOD entered the wrong social security number for me. Once I finally entered the website, I spent several hours entering information and dealing with a site that was not cooperative. For example, it asked for a phone number for my work in Afghanistan but the site only accepts US configured numbers. I gave up when I realized I would have to answer questions about all my significant foreign contacts (there are scores) and about each foreign trip I made in the last seven years (at least seventy trips to sixty countries). Indeed, I doubt I could reconstruct my travel or come up with all the contacts. I don't know the addresses of my Canadian cousins, the names of their spouses, or the whereabouts of all my nephews and nieces. And, for that matter I don't recall the date of my marriage to my second wife, the precise name of the town in Maine where we married or her birthdate (nor do I care to find out). All this information is available on my previous security forms. Of course, I didn't mind the paperwork to become an Ambassador but it is overkill in order to testify in a trial about cables that everyone can see on line.

I held TS/ codeword clearances from 1979 to at least 2003. Among other positions of trust, I served as a US Ambassador. Since the only cables that I need to see are ones Private Manning leaked and therefore available on line, I think the risk to US national security of me not getting a clearance in advance of my testimony is exactly zero.

I would like to help the court but we need to find a practical way for me to do so.

All the best

Peter Galbraith

On Wed, Apr 17, 2013 at 7:04 PM, Fein, Ashden MAJ USARMY MDW (US) <ashden.fein.mil@mail.mil> wrote:

Ambassador Galbraith,

Good evening. In addition to the previous emails between you and Mr. Rains and Chief Ford, Mr. Coombs approached us on April 10th to inform us that you were having difficulty with the security clearance process. Mr. Coombs asked if there was a way we could streamline the current process. According to Army Regulation 380-67, you must submit a Standard Form 86 (e-Qip) through the OPM website before you are granted access. The prosecution understands the form can be cumbersome, but there is no other solution available.

If you have any problems with the e-Qip website, please call the helpdesk at 410-278-4194 or e-mail usarmy.apg.inscom.mbx.pspip-questions@mail.mil. The Department of the Army was able to have the website held open longer than the normal five day period so that you have more time to fill in the information, and this was based on your request to have your account reinstated.

As outlined below, without this electronic submission, signed release and consent forms, and your fingerprints you cannot access the classified information the defense would like to provide, and will not be able to participate in this court-martial in the capacity the defense intends.

If you have any questions or need assistance, please contact Chief Warrant Officer 2 Arthur Ford at 202-685-1975 or arthur.d.ford@mail.mil.

Thank you!

Respectfully,

Major Fein

Ashden Fein
Major, U.S. Army

-----Original Message-----

From: Peter Galbraith [<mailto:pgalbraith@leg.state.vt.us>]

Sent: Tuesday, April 02, 2013 2:58 PM

To: USARMY APG INSCOM Mailbox PSIP Center of Excellence

Cc: galbraithvt@gmail.com; Fein, Ashden MAJ USARMY MDW (US); Pittman, Jamil

A CIV USARMY HQDA DCS G-2 (US); Rains, Larry E CIV USARMY HQDA DCS G-2 (US)

Subject: Re: POSSIBLE SPAM: Investigation Status Update - Processing, Ticket

No. CLR000000495879

Tried to log in but couldn't. It still says my social security number is already registered

Sent from my iPad

On Apr 2, 2013, at 9:19 AM, "PSIP Center of Excellence

<usarmy.apg.inscom.mbx.pspip-center-of-excellence@mail.mil>

<usarmy.apg.inscom.mbx.pspip-center-of-excellence@mail.mil> wrote:

Mr. Peter Woodard Galbraith:

In order to continue the processing of your background investigation, the Personnel Security Investigation Center of Excellence (PSI-CoE) must receive the below information. You were recently notified via e-mail of the requirement to complete the online e-QIP questionnaire and additional documentation for your background investigation.

Please submit the following required documentation to the PSI-CoE as soon as possible or contact us at 410-278-4194 or DSN 298-4194 or e-mail usarmy.apg.inscom.mbx.psip-questions@mail.mil so we can assist you with this process.

Required Documentation:

e-QIP NOT COMPLETED:

Online submission of e-QIP questionnaire is required-
<http://www.opm.gov/e-qip/>.

CERTIFICATION SIGNATURE FORM REQUIRED:

Please print, sign, and send the Certification Signature form (Identified by the letters CER in the bottom right hand corner of form) to the PSI-CoE using the contact information below. **Note: If you have already released your e-QIP questionnaire to the PSI-CoE, you will no longer be able to access the signature form via the e-QIP site. Please call our customer support center so that we may e-mail the form to you directly.

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FINGERPRINTS REQUIRED:

Fingerprint cards- Contact your security manager or hiring official for guidance. New fingerprints must be submitted if prints were captured over 120 days ago.

Documentation for this background investigation request, with the exception of your e-QIP questionnaire and fingerprints, may be faxed to 410-306-3858/410-306-0413 or DSN 458-3858/0413 or scanned and e-mailed to usarmy.apg.inscom.mbx.psip-correspondence1@mail.mil

If you no longer require a background investigation or you are unable to respond to the requests, please have your security manager or hiring official contact the PSI-CoE at 410-278-4194 or DSN 298-4194 or e-mail usarmy.apg.inscom.mbx.psip-questions@mail.mil A PSI-CoE customer support center representative is available to assist you from 0600-2400 (EST) Monday- Friday.

Please do not respond to this email, as responses are not monitored.

PSIP Record Number: CLR000000495879

Email Code: PSIP-0003

From: Fein, Ashden MAJ USARMY MDW (US)
To: "pgalbraith@leg.state.vt.us"; "Peter Galbraith"; david.a.mayfield4.civ@mail.mil
Cc: Ford, Arthur D Jr CW2 USARMY (US); Rains, Larry E CIV USARMY HQDA DCS G-2 (US); Pittman, Jamil A CIV USARMY HQDA DCS G-2 (US); "David F. Coombs"; Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Bcc: Mayfield, David A SES (US); "O'Connor, Elizabeth M"; Davis, Jonathan E; Clark, Derek D SGT USARMY USAMDW (US); Jorns, Claire V SGT USARMY (US); McLamb, Amber M SGT USARMY MDW (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Carskadon, Amy E CIV (US); Mitroka, Katherine F CPT USARMY (US); Overgaard, Angel M CPT USARMY (US); yon Elton, Alexander S (Alec) CPT USARMY (US); Whyte, J Hunter CPT USARMY (US)
Subject: Clearance Issues
Date: Wednesday, April 17, 2013 7:04:00 PM

Ambassador Galbraith,

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If you have any questions or need assistance, please contact Chief Warrant Officer 2 Arthur Ford at 202-685-1975 or arthur.d.ford.mil@mail.mil.

Thank you!

Respectfully,

Major Fein

Ashden Fein
Major, U.S. Army

-----Original Message-----

From: Peter Galbraith [mailto:pgalbraith@leg.state.vt.us]
Sent: Tuesday, April 02, 2013 2:58 PM
To: USARMY APG INSCOM Mailbox PSIP Center of Excellence
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Required Documentation:

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Please do not respond to this email, as responses are not monitored.

PSIP Record Number: CLR000000495879
Email Code: PSIP-0003

From: Fein, Ashden MAJ USARMY MDW (US)
To: "David E. Coombs"
Subject: RE: Confinement Facility BM
Date: Wednesday, April 17, 2013 6:35:00 PM

Thank you!

-----Original Message-----

From: David E. Coombs [<mailto:coombs@armycourtartialdefense.com>]
Sent: Wednesday, April 17, 2013 6:23 PM
To: Fein, Ashden MAJ USARMY MDW (US)
Subject: RE: Confinement Facility BM

Ashden,

Thank you. PFC Manning is no longer in the central booking area. Instead, he is being held in medical area that enables him access to a phone. I will advise you if his conditions change.

Best,
David

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US) [<mailto:ashden.fein.mil@mail.mil>]
Sent: Wednesday, April 17, 2013 9:19 AM
To: 'coombs@armycourtartialdefense.com'
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: Confinement Facility BM

David,

This is a follow-up on your client's confinement conditions.

The facility has been able to keep the accused separated from general population for his safety as well ensure adequate life sustainment. Overall he does have a TV and noise level should not be an issue based on his current location. As for using the phone, the current location does not have the ability to dial out, but he has been offered the same opportunity as other detainee's to use a phone in another location. The facility will work to ensure he has adequate access to the phone.

We received feedback that the director feels that your client is better than any other detainee at the facility and his staff will continue to accommodate within their means. The director also stated that he would be fine with you going direct with him to resolve potential issue and his contact information is jkavanagh@howardcountymd.gov and 410-313-5230.

If you choose to go direct with the facility, then please keep us informed of any issues so that we can ensure the command is kept in the loop.

v/r

Ashden

From: David E. Coombs
To: Fein, Ashden MAJ USARMY MDW (US)
Subject: RE: Confinement Facility BM
Date: Wednesday, April 17, 2013 6:23:19 PM

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David,

This is a follow-up on your client's confinement conditions.

The facility has been able to keep the accused separated from general population for his safety as well ensure adequate life sustainment. Overall he does have a TV and noise level should not be an issue based on his current location. As for using the phone, the current location does not have the ability to dial out, but he has been offered the same opportunity as other detainee's to use a phone in another location. The facility will work to ensure he has adequate access to the phone.

We received feedback that the director feels that your client is better than any other detainee at the facility and his staff will continue to accommodate within their means. The director also stated that he would be fine with you going direct with him to resolve potential issue and his contact information is jkavanagh@howardcountymd.gov and 410-313-5230.

If you choose to go direct with the facility, then please keep us informed of any issues so that we can ensure the command is kept in the loop.

v/r
Ashden

From: Tooman, Joshua J CPT USARMY (US)
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); David Coombs (coombs@armycourt(martialdefense.com); Hurley, Thomas F MAJ USARMY (US); Bennett, Jessica D SSG USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: SSG Bennett (UNCLASSIFIED)
Date: Wednesday, April 17, 2013 11:13:07 AM

Classification: UNCLASSIFIED

Caveats: NONE

Sir

Have you all been able to verify SSG Bennett's clearance. If so, can you all send over the protective orders so we can get her squared away?

Thanks,

Josh

Joshua J. Tooman
CPT, JA
Trial Defense Counsel
9990 Belvoir Drive
Fort Belvoir, VA 22060
Tel: (703) 805-4383
Fax: (703) 805-4413
joshua.tooman@us.army.mil

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Classification: UNCLASSIFIED

Caveats: NONE

From: Fein, Ashden MAJ USARMY MDW (US)
To: "coombs@armycourt martialdefense.com"
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elton, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Bcc: Clark, Derek D SGT USARMY USAMDW (US); Jorns, Claire V SGT USARMY (US); McLamb, Amber M SGT USARMY MDW (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Carskadon, Amy E CIV (US)
Subject: Confinement Facility BM
Date: Wednesday, April 17, 2013 9:18:00 AM

David,

This is a follow-up on your client's confinement conditions.

The facility has been able to keep the accused separated from general population for his safety as well ensure adequate life sustainment. Overall he does have a TV and noise level should not be an issue based on his current location. As for using the phone, the current location does not have the ability to dial out, but he has been offered the same opportunity as other detainee's to use a phone in another location. The facility will work to ensure he has adequate access to the phone.

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If you choose to go direct with the facility, then please keep us informed of any issues so that we can ensure the command is kept in the loop.

v/r
Ashden

From: David F. Coombs
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Tooman, Joshua J CPT USARMY (US); Hurley, Thomas F MAJ USARMY (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Floten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Subject: RE: Stipulation Clarification (UNCLASSIFIED)
Date: Tuesday, April 16, 2013 3:48:36 PM

Ashden,

I apologize for the confusion. We are open to stipulating to chain of custody witnesses; minor witnesses whose testimony would not be in dispute (e.g., Cindrich); and certain facts that you may want from the evidence identified through the witness you intend to call (e.g., SA Shaver will testify that PFC M searched WL 96 times between X Date and Y Date).

During our previous discussions, I have heard that you may be concerned either that we have no interest in stipulating and that we are just trying to waste your time, or that by offering stipulations you will be giving away some aspect of your case. I will tell you we are not trying to waste your time. Stipulations are in everyone's best interest. It not only saves everyone time and effort, but it is something that looks good for PFC M given the fact that he is not stipulating as part of a PTA.

As such, I think the best COA is for you to identify witnesses/facts that you would want to stipulate to, and that you believe will not give away some aspect of your case. In order for you to save time, you could initially just identify the witness (with subject matter) and/or witness/fact that you want to stipulate to in order to see if we would agree to stipulate. Using Ms. Debra Van Alstyne and the Supply Room computer as examples, I would envision the following:

- 1) (Witness) Ms. Debra Van Alstyne: We want to stipulate that Ms. Van Alstyne signed a search authorization for items that were left in her house by PFC Manning. Specifically, that she consented to the search of a box that contained an SD card identified at BATES Number etc.;
- 2) (Facts identified through witness) SA Alfred Williamson: We want to stipulate that SA Williamson would testify to the following fact concerning the Supply Room NIPR Computer: Examination of the Supply Room NIPRNET computer revealed a large text file that appeared to be an extract of an Exchange GAL in the C:\Documents and Settings\peter.bigelow\My Documents\blah.txt.

In the end, if we can stipulate then we would be happy to do so. FYI, I don't see a problem with stipulating to 1 and 2 above. If you want to explore this option, we should aim to get this done before our next 39(a). This would enable PFC M to sign those stipulations that we agree to and for COL Lind to cover them on the record. This would give both parties predictability for the trial. If you do not want to explore this option, for whatever reason, then we will just alert COL Lind that we do not anticipate further stipulations.

Let me know if you have any questions.

Best,

David

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US) [mailto:ashden.fein.mil@mail.mil]
Sent: Tuesday, April 16, 2013 12:55 PM
To: David Coombs
Cc: Tooman, Joshua J CPT USARMY (US); Hurley, Thomas F MAJ USARMY (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Subject: RE: Stipulation Clarification (UNCLASSIFIED)

David,

As we continue to prepare for trial, I am unclear on what information the defense is willing to stipulate to, if any. I assume your most recent position, articulated in CPT Tooman's email below, is the most current, i.e. stipulations of fact for certain information that is not in dispute, purely chain of custody witnesses, and minor witnesses.

1. If the defense is willing to stipulate to witness testimony, then please let us know which witnesses. At the very bottom of this email is a previous email sent by MAJ Hurley to CPT Morrow listing 99 different witnesses, which could serve as a reasonable starting point. The prosecution is not in a position to determine which witnesses or evidence are "not in dispute" or are "minor" for defense purposes.

2. Assuming the defense's position is still to stipulate to testimony for purely chain of custody witnesses, we will create a list of these witnesses' names and the corresponding piece of evidence and will send these to you before the end of the week. If you do not object to these witnesses, then we will write out just two of the stipulations and send them for your review. Once these two are signed and delivered to the Court, then we will continue on knocking out the remainder on the list to meet the Court's 11 May suspension.

I will provide an update on other issues later today.

Thank you!

V/r
Ashden

-----Original Message-----

From: Tooman, Joshua J CPT USARMY (US)
Sent: Friday, April 12, 2013 1:46 PM
To: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US)
Subject: Stipulation Clarification (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

MAJ Fein

The purpose of this email is to clarify our conversation from yesterday and outline our position re: stipulations. We request you incorporate this in your update to COL Lind.

1) We will stipulate to certain facts that the Government wants to draw from the evidence that is not in dispute. For example, that PFC Manning conducted 9 searches of WikiLeaks on a certain date or that he downloaded a document on a certain date. At this time we are not prepared to stipulate to physical pieces of evidence (e.g. Manning's .22 computer) in their

entirety.

2) We will stipulate to purely chain of custody witnesses once the Government provides us with the stipulations to review for accuracy.

3) We will stipulate to minor witnesses whose testimony is not in issue once the Government provides us with the stipulations to review for accuracy.

V/R

Joshua J. Tooman
CPT, JA
Trial Defense Counsel
9990 Belvoir Drive
Fort Belvoir, VA 22060
Tel: (703) 805-4383
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Classification: UNCLASSIFIED

Caveats: NONE

-----Original Message-----

From: Hurley, Thomas F MAJ OSD OMC Defense [mailto:Thomas.Hurley@osd.mil]
Sent: Thursday, January 03, 2013 10:51 AM
To: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Subject: Witnesses

CPT Morrow

The following are the witnesses we may be willing to stipulate to. The numbers correspond to the 26 October 2012 classified list. I should be able to include the names for most, if not all, of the witnesses. I count them

as 99 witnesses - could be off by one or two, though. As we indicated on the phone, stipulating to evidence may eliminate the need to stipulating to these underlying witnesses.

Our subjective unwillingness to stipulate should not inhibit us from negotiating about other witnesses. I have left off several Flag Officers (and their equivalents) from this list. Just let us know if there are any that you would particularly like to stipulate to. Also, we may consider waiving the personal appearance of any sentencing witnesses. Just let us know.

#3 - Ms. Sara Loving.

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#82

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#84 - Ms. Felice McPhaul.

#85 - COL David Miller.

#86 - Mr. Jason Milliman.

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#143 - AMB Marie Yovanovitch.

#144 - Mr. Joseph Yun.

#145

#146

#147

From: Fein, Ashden MAJ USARMY MDW (US)
To: David Coombs
Cc: Tooman, Joshua J CPT USARMY (US); Hurley, Thomas F MAJ USARMY (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
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Subject: RE: Stipulation Clarification (UNCLASSIFIED)
Date: Tuesday, April 16, 2013 12:55:00 PM

David,

As we continue to prepare for trial, I am unclear on what information the defense is willing to stipulate to, if any. I assume your most recent position, articulated in CPT Tooman's email below, is the most current, i.e. stipulations of fact for certain information that is not in dispute, purely chain of custody witnesses, and minor witnesses.

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I will provide an update on other issues later today.

Thank you!

V/r
Ashden

-----Original Message-----

From: Tooman, Joshua J CPT USARMY (US)
Sent: Friday, April 12, 2013 1:46 PM
To: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US)
Subject: Stipulation Clarification (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

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Joshua J. Tooman
CPT, JA
Trial Defense Counsel
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Fort Belvoir, VA 22060
Tel: (703) 805-4383
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joshua.tooman@us.army.mil

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Classification: UNCLASSIFIED

Caveats: NONE

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Sent: Thursday, January 03, 2013 10:51 AM
To: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Subject: Witnesses

CPT Morrow

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From: Tooman, Joshua J CPT USARMY (US)
To: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Hurley, Thomas F MAJ USARMY (US)
Cc: David Coombs (coombs@armycourt martialdefense.com); Fein, Ashden MAJ USARMY MDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US)
Subject: RE: NCIX Damage Assessment (UNCLASSIFIED)
Date: Tuesday, April 16, 2013 9:19:59 AM

Classification: UNCLASSIFIED

Caveats: NONE

Thanks, Joe.

Joshua J. Tooman
CPT, JA
Trial Defense Counsel
9990 Belvoir Drive
Fort Belvoir, VA 22060
Tel: (703) 805-4383
Fax: (703) 805-4413
joshua.tooman@us.army.mil

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-----Original Message-----

From: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Sent: Tuesday, April 16, 2013 7:47 AM
To: Tooman, Joshua J CPT USARMY (US); Hurley, Thomas F MAJ USARMY (US)
Cc: David Coombs (coombs@armycourt martialdefense.com); Fein, Ashden MAJ USARMY MDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US)
Subject: NCIX Damage Assessment (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

CPT Tooman / MAJ Hurley,

As discussed last week, we have reserved a conference room at ODNI for Wednesday (tomorrow) from 1300-1530 to sit down and review the summarized NCIX damage assessment. We will have the original and summary available for review. The conference room is located in the OGC area.

CPT Joe Morrow

Trial Counsel

U.S. Army Military District of Washington

Phone: 202-685-1975

NIPR: jodean.morrow.mil@mail.mil

SIPR: jodean.morrow@jfhqncr.northcom.smil.mil

Classification: UNCLASSIFIED

Caveats: NONE

Classification: UNCLASSIFIED

Caveats: NONE

From: Fein, Ashden MAJ USARMY MDW (US)
To: "David E. Coombs"
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)
Bcc: Clark, Derek D SGT USARMY USAMDW (US); Ford, Arthur D Jr CW2 USARMY (US); Jorns, Claire V SGT USARMY (US); McLamb, Amber M SGT USARMY MDW (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Carskadon, Amy F CIV (US)
Subject: RE: PFC BM
Date: Monday, April 15, 2013 10:10:00 PM

David,

We are still working with the PMO office and command to determine what the short- and long-term housing plans are for your client. If they did not reach out today, they should reach out to the local facility tomorrow. I will send an update once we receive one.

v/r
Ashden

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Friday, April 12, 2013 3:57 PM
To: David E. Coombs
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)
Subject: RE: PFC BM

David,

Thank you. He is not being sent back to the JRCF until the end of trial, if required based on any potential sentence. We are contacting the appropriate officials to figure out what is going on and what the plan is going forward. I will let you know as soon as I receive the information.

v/r
Ashden

-----Original Message-----

From: David E. Coombs [<mailto:coombs@armycourtmarshaldefense.com>]
Sent: Friday, April 12, 2013 3:23 PM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)
Subject: PFC BM

Ashden,

Is PFC BM being sent back to the JRCF? If not, we need to address how he is currently being held. He is in the booking area where he does not have access to a television or to a phone in order to call counsel. Additionally, the booking area is not conducive to him getting any sleep due to its 24 hour operations. I understand that the facility may have limited space, but his current location is not acceptable over the long term. Please let me know how you intend to address this issue.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
coombs@armycourtartialdefense.com
www.armycourtartialdefense.com

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To: David E. Coombs
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)
Bcc: Hughes, Brian A LTC USARMY USAMDW (US); Clark, Derek D SGT USARMY USAMDW (US); Ford, Arthur D Jr CW2 USARMY (US); Jorns, Claire V SGT USARMY (US); McLamb, Amber M SGT USARMY MDW (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Carskadon, Amy F CIV (US)
Subject: RE: PFC BM
Date: Friday, April 12, 2013 3:57:00 PM

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Ashden

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Subject: PFC BM
Date: Friday, April 12, 2013 3:23:16 PM

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From: Tooman, Joshua J CPT USARMY (US)
To: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Cc: David Coombs, Hurley, Thomas F MAJ USARMY (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US)
Subject: Stipulation Clarification (UNCLASSIFIED)
Date: Friday, April 12, 2013 1:45:47 PM

Classification: UNCLASSIFIED

Caveats: NONE

MAJ Fein

The purpose of this email is to clarify our conversation from yesterday and outline our position re: stipulations. We request you incorporate this in your update to COL Lind.

1) We will stipulate to certain facts that the Government wants to draw from the evidence that is not in dispute. For example, that PFC Manning conducted 9 searches of WikiLeaks on a certain date or that he downloaded a document on a certain date. At this time we are not prepared to stipulate to physical pieces of evidence (e.g. Manning's .22 computer) in their

entirety.

2) We will stipulate to purely chain of custody witnesses once the Government provides us with the stipulations to review for accuracy.

3) We will stipulate to minor witnesses whose testimony is not in issue once the Government provides us with the stipulations to review for accuracy.

V/R

Joshua J. Tooman
CPT, JA
Trial Defense Counsel
9990 Belvoir Drive
Fort Belvoir, VA 22060
Tel: (703) 805-4383
Fax: (703) 805-4413
joshua.tooman@us.army.mil

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Classification: UNCLASSIFIED

Caveats: NONE

From: Hurley, Thomas F MAJ USARMY (US)
To: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Cc: coombs@armycourtmarshaldefense.com; Tooman, Joshua J CPT USARMY (US)
Subject: Deal
Date: Friday, April 12, 2013 9:08:21 AM

MAJ Fein/CPT Morrow

Our negotiations are over. It occurred to us on the defense team that we are just too far apart to continue these talks in good faith. We will explain PFC Manning his continuing rights to correspond with the CA, but we do not anticipate that he will avail himself of those rights prior to trial.

We took up some of your time in this ultimately fruitless effort. We thank you for that and hope it wasn't too much of a distraction.

Thanks.

MAJ Hurley

From: Thomas Hurley
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Hurley, Thomas F MAJ USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Subject: Re: OTP
Date: Thursday, April 11, 2013 1:46:28 PM

MAJ Fein
Sounds great!!
Tom

On Apr 11, 2013, at 13:39, "Fein, Ashden MAJ USARMY MDW (US)" <ashden.fein.mil@mail.mil> wrote:

> MAJ Hurley - how is 1600?

From: Fein, Ashden MAJ USARMY MDW (US)
To: Hurley, Thomas F MAJ USARMY (US); Thomas Hurley
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Subject: OTP
Date: Thursday, April 11, 2013 1:39:00 PM

MAJ Hurley - how is 1600?

From: Fein, Ashden MAJ USARMY MDW (US)
To: Hurley, Thomas F MAJ USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Subject: RE: OTP
Date: Thursday, April 11, 2013 1:38:00 PM

MAJ Hurley,

How is I600?

-----Original Message-----

From: Hurley, Thomas F MAJ USARMY (US)
Sent: Thursday, April 11, 2013 10:27 AM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Subject: RE: OTP

MAJ Fein

We absolutely can talk about this today. Text me at 703-209-8061 or email at thomashurley1@me.com to coordinate a time. I'm back at Meade today.

Here's the feedback I got last night from the client. He's not interested in either the quantum or no quantum deals as they are currently configured.

We are years apart on the quantum deal. I have so little confidence that it can be salvaged that I won't waste any more time discussing it.

Here are the terms that Manning is comfortable with now that he has had a chance to think about the offer:

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Our plea wouldn't change WRT:

Specs 2 and 14 of Charge II and Spec 5 of Charge III.

The GCMCA would dismiss the rest with the same dismissal language in the current deal.

The only specs we would want merged and 3 and 5. That brings us to a total of 66 years.

The rest of the deal would go unchanged, except: (1) we would only waive production of witnesses that are outside CONUS because of an assignment with the federal government and (2) we may terminate the agreement if not provided letter immunity by the US Attorneys concerned by the stipulation date.

Setting aside "deal talk" for a moment, on the topic of stipulations generally, Manning is only comfortable stipulating to things when he knows exactly what the ultimate evidence is. For instance, he would rather make a decision about stipulating to the logs of the Lamo chats than stipulate to the admissibility of his computer. We are as open as ever to the idea of stipulations, but we need to the stipulations to speak for themselves when discussing them with our client. If I have to tell Manning something like "I don't know exactly why they want that...my guess is..." then we are less likely to get his assent. This only applies to future stipulations. Our willingness to stipulate to those 12 items we told you about before has not changed.

I know this is a lot to digest. Reach out to me when you can.

Thanks.

Tom Hurley

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Thursday, April 11, 2013 12:43 AM
To: Hurley, Thomas F MAJ USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Subject: Re: OTP

MAJ Hurley. Thanks. Can we chat tomorrow afternoon about this?

----- Original Message -----

From: Hurley, Thomas F MAJ USARMY (US)
Sent: Wednesday, April 10, 2013 12:46 PM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Subject: RE: OTP

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I can tell you that we are not interested in limiting the number of witnesses produced to 8. We don't have a problem with waiving production of witnesses outside of CONUS pursuant to their assignment or orders with the federal government. But nothing more than that.

I also want you to take out paragraph 4. If the MJ cares about who first suggested specific provisions or who initiated these negotiations, she'll ask us. And I'll be glad to tell her.

Finally, we talked about some assurance of immunity from DoJ being included in some form or another. We recognize that the CA has limited power in this regard. At the least, we would like a cancellation provision that allows us to back out of the deal if there is no immunity granted by a certain time.

v/r
tth

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Tuesday, April 09, 2013 3:41 PM
To: Hurley, Thomas F MAJ USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Subject: RE: OTP

Full OTP with Page 5.

-----Original Message-----

From: Hurley, Thomas F MAJ USARMY (US)
Sent: Tuesday, April 09, 2013 11:34 AM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Subject: RE: OTP

MAJ Fein

Your apology is not necessary. I didn't get page 5 of this deal.

Thanks.

MAJ Hurley

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Tuesday, April 09, 2013 2:48 PM
To: Hurley, Thomas F MAJ USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Subject: RE: OTP

MAJ Hurley,

I also apologize for keeping you on the phone for so long. I was on the other line and could not hang up. If my previous email does not answer the mail for your call, please call back. Thanks!

v/r
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Subject: RE: OTP

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I would like to get this deal as soon as possible. I am in a place that allows for easier printing than the Meade TDS office.

tfh

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Monday, April 08, 2013 10:52 PM
To: Hurley, Thomas F MAJ USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Subject: OTP

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Subject: RE: OTP
Date: Thursday, April 11, 2013 10:29:00 AM

MAJ Hurley,

Thanks. Once we get settled this morning, I will text you with a time.

v/r
MAJ Fein

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From: Hurley, Thomas F MAJ USARMY (US)
Sent: Thursday, April 11, 2013 10:27 AM
To: Fein, Ashden MAJ USARMY MDW (US)
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I would like to get this deal as soon as possible. I am in a place that allows for easier printing than the Meade TDS office.

tth

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Monday, April 08, 2013 10:52 PM
To: Hurley, Thomas F MAJ USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Subject: OTP

MAJ Hurley,

We have finished our draft OTP, but we have to give it to the SJA first. He left late this afternoon to take his wife to the airport for her return to Afghanistan. We plan on presenting him with it first thing tomorrow morning and will have it out the door once he signs off. I can explain each paragraph with you over the phone if you would like, tonight or tomorrow morning. I apologize for this but we are trying to work around his schedule which should normalize starting tomorrow.

v/r
MAJ Fein

From: Fein, Ashden MAJ USARMY MDW (US)
To: Hurley, Thomas F MAJ USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Subject: Re: OTP
Date: Wednesday, April 10, 2013 8:43:50 PM

MAJ Hurley. Thanks. Can we chat tomorrow afternoon about this?

----- Original Message -----

From: Hurley, Thomas F MAJ USARMY (US)
Sent: Wednesday, April 10, 2013 12:46 PM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Subject: RE: OTP

MAJ Fein

Manning is thinking about the overall "no quantum" deal. We will let you know today or tomorrow if he takes it. He's not going to take the "quantum" deal or submit anything short of 30 years.

I can tell you that we are not interested in limiting the number of witnesses produced to 8. We don't have a problem with waiving production of witnesses outside of CONUS pursuant to their assignment or orders with the federal government. But nothing more than that.

I also want you to take out paragraph 4. If the MJ cares about who first suggested specific provisions or who initiated these negotiations, she'll ask us. And I'll be glad to tell her.

Finally, we talked about some assurance of immunity from DoJ being included in some form or another. We recognize that the CA has limited power in this regard. At the least, we would like a cancellation provision that allows us to back out of the deal if there is no immunity granted by a certain time.

v/r
tfh

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Tuesday, April 09, 2013 3:41 PM
To: Hurley, Thomas F MAJ USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Subject: RE: OTP

Full OTP with Page 5.

-----Original Message-----

From: Hurley, Thomas F MAJ USARMY (US)
Sent: Tuesday, April 09, 2013 11:34 AM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Subject: RE: OTP

MAJ Fein

Your apology is not necessary. I didn't get page 5 of this deal.

Thanks.

MAJ Hurley

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Tuesday, April 09, 2013 2:48 PM
To: Hurley, Thomas F MAJ USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Subject: RE: OTP

MAJ Hurley,

I also apologize for keeping you on the phone for so long. I was on the other line and could not hang up. If my previous email does not answer the mail for your call, please call back. Thanks!

v/r
MAJ Fein

-----Original Message-----

From: Hurley, Thomas F MAJ USARMY (US)
Sent: Tuesday, April 09, 2013 10:38 AM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Subject: RE: OTP

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v/r
MAJ Fein

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To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Subject: RE: OTP
Date: Wednesday, April 10, 2013 8:46:16 AM

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I can tell you that we are not interested in limiting the number of witnesses produced to 8. We don't have a problem with waiving production of witnesses outside of CONUS pursuant to their assignment or orders with the federal government. But nothing more than that.

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Subject: RE: OTP

INSTRUCTIONS FOR PREPARING AND ARRANGING RECORD OF TRIAL

USE OF FORM - Use this form and MCM, 1984, Appendix 14, will be used by the trial counsel and the reporter as a guide to the preparation of the record of trial in general and special court-martial cases in which a verbatim record is prepared. Air Force uses this form and departmental instructions as a guide to the preparation of the record of trial in general and special court-martial cases in which a summarized record is authorized.

Army and Navy use DD Form 491 for records of trial in general and special court-martial cases in which a summarized record is authorized. Inapplicable words of the printed text will be deleted.

COPIES - See MCM, 1984, RCM 1103(g). The convening authority may direct the preparation of additional copies.

ARRANGEMENT - When forwarded to the appropriate Judge Advocate General or for judge advocate review pursuant to Article 64(a), the record will be arranged and bound with allied papers in the sequence indicated below. Trial counsel is responsible for arranging the record as indicated, except that items 6, 7, and 15e will be inserted by the convening or reviewing authority, as appropriate, and items 10 and 14 will be inserted by either trial counsel or the convening or reviewing authority, whichever has custody of them.

1. Front cover and inside front cover (chronology sheet) of DD Form 490.
2. Judge advocate's review pursuant to Article 64(a), if any.
3. Request of accused for appellate defense counsel, or waiver/withdrawal of appellate rights, if applicable.
4. Briefs of counsel submitted after trial, if any (Article 38(c)).
5. DD Form 494, "Court-Martial Data Sheet."
6. Court-martial orders promulgating the result of trial as to each accused, in 10 copies when the record is verbatim and in 4 copies when it is summarized.
7. When required, signed recommendation of staff judge advocate or legal officer, in duplicate, together with all clemency papers, including clemency recommendations by court members.

8. Matters submitted by the accused pursuant to Article 60 (MCM, 1984, RCM 1105).

9. DD Form 458, "Charge Sheet" (unless included at the point of arraignment in the record).

10. Congressional inquiries and replies, if any.

11. DD Form 457, "Investigating Officer's Report," pursuant to Article 32, if such investigation was conducted, followed by any other papers which accompanied the charges when referred for trial, unless included in the record of trial proper.

12. Advice of staff judge advocate or legal officer, when prepared pursuant to Article 34 or otherwise.

13. Requests by counsel and action of the convening authority taken thereon (e.g., requests concerning delay, witnesses and depositions).

14. Records of former trials.

15. Record of trial in the following order:

- a. Errata sheet, if any.
- b. Index sheet with reverse side containing receipt of accused or defense counsel for copy of record or certificate in lieu of receipt.
- c. Record of proceedings in court, including Article 39(a) sessions, if any.
- d. Authentication sheet, followed by certificate of correction, if any.
- e. Action of convening authority and, if appropriate, action of officer exercising general court-martial jurisdiction.
- f. Exhibits admitted in evidence.
- g. Exhibits not received in evidence. The page of the record of trial where each exhibit was offered and rejected will be noted on the front of each exhibit.
- h. Appellate exhibits, such as proposed instructions, written offers of proof or preliminary evidence (real or documentary), and briefs of counsel submitted at trial.